

PONTIAC CITY COUNCIL

Mike McGuinness, District 7
President
William A. Carrington, District 6
President Pro Tem



Melanie Rutherford, District 1
Brett Nicholson, District 2
Mikal Goodman, District 3
Kathalee James, District 4
William Parker, Jr., District 5

It is this Council's mission "To serve the citizens of Pontiac by committing to help provide an enhanced quality of life for its residents, fostering the vision of a family-friendly community that is a great place to live, work and play."

47450 Woodward Pontiac, MI 48342

Phone: (248) 758-3200

Garland S. Doyle, M. P. A., City Clerk

75th Session of the 11th Council
March 7, 2023 at 6:00 P.M.

Meeting Location: City Council Chambers 47450 Woodward Pontiac, MI 48342
Meeting Agenda

Call to Order

Invocation

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

Authorization to Excuse Councilmembers from the Meeting

Amendments to and Approval of the Agenda

Approval of the Consent Agenda

February 28, 2023 City Council Meeting Minutes

Special Presentations

1. Tax Foreclosure Prevention Initiatives, Resources for Pontiac Homeowners
Presentation Presenter: Oakland County Treasurer Robert Wittenberg
2. Representatives from the Stonegate Pointe Neighborhood Associations Formally Expressing Neighborhood Concerns

Recognition of Elected Officials

Agenda Address (Two Minutes Time Limit)

Agenda Items

Ordinances

3. Resolution to approve the first reading of the Adult Use Marijuana Zoning Text & Map Amendment Ordinance
 - a. East Walton Overlay District, Cesar Chavez Overlay District, Downtown Overlay District and Woodward Gateway Overlay District
 - b. East Walton Overlay District, Cesar Chavez Overlay District and Downtown Overlay District

4. Adoption of City of Pontiac Adult-Use Marihuana Business Ordinance (**Second Reading Postponed from February 28, 2023 City Council Meeting**)

Resolutions

City Council

5. Resolution acknowledging March as Women's History Month

Communications

6. Resolution to approve a proposed budget amendment for Fiscal Year 2022-2023 to increase the budget appropriation in the following 231 – Cable Fund GL Account 231-291-977.041 Video Equipment \$27,564.45

Department of Public Works (DPW)

7. Resolution approving the salaries of the Sanitation Superintendent, Building Foreman and Sanitation Worker positions

Finance

8. Resolution to authorize the City Clerk to publish the proposed budget amendment for Fiscal Year 2022-2023 to increase the appropriation in the following GL accounts 208-756-719.000 Workers Compensation Ins. - \$5,000, 208-756-779.020 Programming -\$7,500, 208-756-942.001 Copier Lease – \$2,400, 208-756-943.000 Services – Equip Rental City-Owned – \$1,000, 208-775-716.000 – Medical Insurance – \$9,600, 208-775-745.000 – Recreation Supplies – \$2,000 (**This proposed budget amendment is for Youth Recreation.**)

Public Comment (Three Minutes Time Limit)

Public Communications

City Council

9. Pontiac Community Foundation is hiring part-time drivers for the M1 Mobility initiative starting at \$20 per hour. Inquire at hr@pontiaccommunityfoundation.org or (248) 246-6606.
10. Residents who are behind in paying their water bills or facing a service shut-off can get help from a partnership between the Oakland county Water Resources Commission and OLSHA. Those who qualify could get up to \$1,500 in payments on their water bills and stop a shut-off plan. This program is temporary and expires on September 30, 2023. Schedule an appointment with OLHSA to sign up by calling (248) 209-2600 or emailing info@olhsa.org
11. Oakland Livingston Human Service Agency (OLSHA) is Now enrolling for Home Based Early Start for Children ages 0 to 3, with tuition-free weekly sessions with early childhood educators at your home, start the enrollment process today by calling (248) 209-2600 or visiting www.olsha.org/early-head start
12. Oakland Livingston Human Service Agency (OLSHA) is hiring for multiple positions, with paid vacation, health benefits, retirement plans, paid business and education leave, and tuition reimbursement. Find out more by visiting www.olhsa.org/employment
13. Lighthouse of Oakland County Food and Cleaning Supply Drive, from March 1 to march 16, 2023, Liberty Bar at 85 S. Saginaw Street in Downtown Pontiac is Collecting Unopened & Non-Perishable Items only
14. Pontiac High School Community Career Pathways Expo & Job Fair, March 11, 2023 from 9:00 am to 12:00 pm, held at Pontiac High School, 1051 Arlene Avenue, Pontiac 48340; in addition to students, recruitment opens to parents and guardians
15. Do It Yourself Glass Bird Workshop, March 11, 2023 from 10:00 am to 3:00 pm, held at Epiphany Studios, 770 Orchard Lake road, Pontiac 48341, registration is \$150, visit www.epiphanyglass.com for more

information

16. Jack and Jill of America, Inc. Oakland County Chapter Academic Incentive for 2023 High School Seniors, award amounts of up to \$2,000. Application deadline is March 15, 2023. Apply online at <https://bit.ly/jjoc2023> and send questions to jjocacademicincentive@gmail.com
17. Pontiac Planning Commission Special Meeting, March 15, 2023 at 6:00 pm, held at Pontiac City Hall in the Council Chambers
18. Oakland County Financial Empowerment Arts Contest is open to all Oakland County public High School students, and the deadline for entries to be submitted is March 17, 2023 at 4:00 p.m. Art submission may include 2-D (drawing, painting, photography, mixed media, and illustration) and video. Cash prizes will be awarded. Contact the Oakland County Treasurer's Office for more information, including at [oakgov.com / treasurer](http://oakgov.com/treasurer)
19. OUCARES Family Fun Day, March 18, 2023 from 12:00 to 3:00 pm, held at the Oakland university recreation Center on OU's campus, free event featuring information fair, art projects, bouncy inflatables, swimming from Noon to 2 pm (bring your own towels). For more information, visit www.oakland.edu/oucares or email oucares@oakland.edu
20. Identify Your Dream Foundation "Strike Out Violence" Bowling Fundraiser March 19, 2023 from 1:00 to 4:00 pm, held at Classic Lanes, 2145 Avon Industrial Drive in Rochester Hills. Entry cost is \$25, visit www.identifyyourdream.org for more information.
21. Third Tuesdays Global Music Jam at the PLAT, March 21, April 18 and May 16, 2023 at 6:00pm, held at Pontiac's Little Arts Theatre, 47 N. Saginaw Street in Downtown Pontiac, Oakland University Professors Mark Stone and Patrick Fitzgibbon lead a jam session of various musicians, from students to professional area musicians, creating a world music experience
22. Norton Street Innovation Community Event, March 23, 2023 from 5:00 to 7:00 pm, held at the Project Site at Norton Street and Florence Street, outdoor family friendly event with food and activities, residents encouraged to come out and learn about the Oakland County Water resources Commission project and provide feedback on what improvements they'd like to see happen there
23. Pontiac Charter Revision Commission Meeting, March 23, 2023 at 6:00 pm, held at Pontiac City Hall in the Council Chambers; all residents welcome to attend and offer feedback
24. Fee Oakland University Jazz Concert featuring Pontiac's own Damani Philips and Oakland University Facility, March 24, 2023 at 12:00 Noon, held at Varner recital Hall on Oakland University's campus, free and no tickets required
25. Oakland County Links Scholarship Application Deadline is March 27, 2023, awarding need-based scholarships to qualify Black students pursuing undergraduate degrees or apprenticeships, for more information visit www.oaklandcountylinks.org.
26. Community Flu & CCOVID-19 Vaccine Clinic, March 14 and March 28, 2023 from 8:30 am to 11:30 am, held at Welcome Missionary Baptist Church, 143 Oneida, Pontiac 48341; no one will be denied service due to inability to pay
27. Pontiac Regional Chamber of Commerce "Prosperity Pontiac" Annual Event, March 29, 2023
28. Pontiac City Council Presents the Pontiac Health and Wellness Fair, March 31, 2023 from 11:00 am to 3:00 pm, held at UWM Sports Complex, 867 South Boulevard East, Pontiac 48341. *This event will offer, Diabetes*

screening, High Blood Pressure Screening, Mammogram Screening, Vaccination station, Diet and health workshop, mental health and wellness discussion, and other resources. Contact the Pontiac City Council and Outreach Specialist Darryl Earl for more information.

29. M1 Concourse Cars and Coffee, April 1, 2023 at 8:30 am, free and open to all, located at M1 Concourse
30. Pontiac Community Policing Team Easter Egg Hunt, April 1, 2023 from 12:00 to 3:00 pm, held at UWM Sports Complex, 867 South Boulevard East, Pontiac 48341, free Easter baskets to first 200 kids, Registration Required
31. WeCare Neighborhood Association Meeting, April 7, 2023 at 6:00 pm, held at Shiloh Baptist Church, 474 University Drive, Pontiac 48342.
32. Pontiac Community Foundation 5-Year Anniversary Celebration, May 19, 2023
33. Save the Date: Pontiac Collective Impact Partnership Youth Expo set for June 10, 2023

Mayor's Office

34. Annual City-Wide Community Cleanup Happening April 17-April 23, 2023

Closing Comments

Mayor Greimel (Seven Minutes Time Limit)
Clerk and City Council (Three Minutes Time Limit)

Adjournment

CONSENT AGENDA

February 28, 2023 Draft

**Official Proceedings
Pontiac City Council
74th Session of the Eleventh Council**

Call to order

A Meeting of the City Council of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Tuesday, February 28, 2023 at 6:05 p.m. by Council President Mike McGuinness.

Invocation – Pastor Cornelius Berry, Word Believing Center Church, Pontiac Michigan

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

Members Present – William Carrington, Mikal Goodman, Mike McGuinness, Brett Nicholson, William Parker, Jr. and Melanie Rutherford

Mayor Greimel was present
A quorum was announced.

Excuse Councilmembers

Motion to excuse Councilwoman Kathalee James for personal reasons. Moved by Councilperson Parker and second by Councilperson Nicholson.

Ayes: Carrington, Goodman, McGuinness, Nicholson, Parker and Rutherford

No: None

Motion Carried

Amendments to and Approval of the Agenda

Motion to approve the agenda. Moved by Councilperson Rutherford and second by Councilperson Nicholson. Discussion.

Motion to add a Resolution Demanding Accountability by DTE Energy for Pontiac Residents as new item #7. Moved by Councilperson Goodman and second by Councilperson Nicholson.

Ayes: McGuinness, Nicholson, Parker, Rutherford, Carrington and Goodman

No: None

Motion Carried

The vote was taken to approve agenda as amended

Ayes: Goodman, McGuinness, Nicholson, Parker, Rutherford and Carrington

No: None

Motion Carried

Consent Agenda

23-80 **Resolution to approve the consent agenda for February 28, 2023.** Moved by Councilperson Parker and second by Councilperson Rutherford.

Whereas, the City Council has reviewed the consent agenda for February 28, 2023.
NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for February 28, 2023 including February 21, 2023 City Council Meeting Minutes.

Ayes: McGuinness, Nicholson, Parker, Rutherford and Carrington

No: None

Resolution Passed

Councilman Goodman was absent during the vote

Special Presentations

Norton Street Innovation Project by Oakland County Water Resources Commission
City of Pontiac Home Repair Program
City of Pontiac Park Revitalization Program

Recognition of Elected Officials – None

Agenda Address

1. Christine Elam addressed item #4
2. Quincy Stewart addressed item #27
3. Dr. Deirdre Waterman addressed items #2, 3 & 5
4. Carlton Jones addressed item #5
5. Larry Jasper addressed items #4, 5 & 6

Agenda Items

Ordinances

Motion to postpone for one week the Adoption of City of Pontiac Adult-use Marihuana Business Ordinance. (Second Reading Postponed from February 28, 2023 City Council Meeting) Moved by Councilperson Carrington and second by Councilperson Goodman.

Ayes: Nicholson, Parker, Carrington, Goodman and McGuinness

No: None

Abstain: Rutherford

Motion Carried

Motion to strike language from an Ordinance Amendment the Planning Commission Bylaws Municipal Code 2-372. Moved by Councilperson McGuinness and second by Councilperson Nicholson.

(f) A member will hold the position until a successor is appointed, although the mayor or the Emergency Manager shall nominate an appointee three (3) months prior to the expiration of a sitting appointee's term for consideration as an appointee under the provisions of this division.

Ayes: Parker, Rutherford, Carrington, Goodman, McGuinness and Nicholson

No: None

Motion Carried

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2404 **Adoption of An Ordinance Amendment to Planning Commission Bylaws.**
(Postponed from February 28, 2023 City Council Meeting) Moved by Councilperson Rutherford and second by Councilperson Goodman.

Motion to strike language from Municipal Code 2-372 Clarifying Planning Commission Bylaws)
Moved by Councilperson McGuinness and second by Councilperson Nicholson.

(f) A member will hold the position until a successor is appointed, although the mayor ~~or the Emergency Manager~~ shall nominate an appointee three (3) months prior to the expiration of a sitting appointee's term for consideration as an appointee under the provisions of this division.

Ayes: Carrington, Goodman, McGuinness, Nicholson, Parker and Rutherford

No: None

Motion Carried

The vote was taken to adopt the ordinance as amended.

Ayes: Rutherford, Carrington, Goodman, McGuinness, Nicholson and Parker

No: None

Ordinance Adopted

****See Ordinance #2404 Planning Commission Bylaws Amendments as Exhibit A after the minutes****

Suspend the Rules

Motion to suspend the rules to add a Resolution to approve the Planning Commission Bylaws. Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Ayes: Goodman, McGuinness, Nicholson, Parker, Rutherford and Carrington

No: None

Motion Carried

Resolution
Planning
23-81

Resolution to approve the amended Pontiac Planning Commission Bylaws. (Agenda add-on) Moved by Councilperson McGuinness and second by Councilperson Rutherford.

Be It Hereby Resolved, the Pontiac City Council hereby approves the Pontiac Planning Commission bylaws with the proposed amendment to section 2-372 of the City of Pontiac Planning Commission Bylaws presented to the City Council on February 28, 2023 with the phrase or the Emergency Manager, stricken from sub section 23-81.

Ayes: McGuinness, Nicholson, Parker, Rutherford, Carrington and Goodman

No: None

Resolution Passed

Ordinances Continued

An Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac Amending Article 2, Section 2.103 – Zoning Map, to Change the Zoning Classifications for Specific parcels on Woodward Ave. (ZMA 22-011 for Lighthouse of Oakland County at 46156 Woodward Ave.) (Second Reading) Moved by Councilperson Rutherford and second by Councilperson Parker.
Discussion.

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Motion to postpone for two weeks an Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac Amending Article 2, Section 2.103 – Zoning Map, to Change the Zoning Classifications for Specific parcels on Woodward Ave. (ZMA 22-011 for Lighthouse of Oakland County at 46156 Woodward Ave.) (Second Reading) Moved by Councilperson Rutherford and second by Councilperson Goodman.

Ayes: Nicholson, Parker, Rutherford, Carrington, Goodman, and McGuinness

No: None

Motion Carried

Resolutions Continued

City Council

23-82

Resolution Demanding Accountability by DTE Energy for Pontiac Residents. (Agenda Add-on)Moved by Councilperson Goodman and second by Councilperson Carrington.

Motion to amend Resolution Demanding Accountability by DTE Energy for Pontiac Residents. Moved by Councilperson Goodman and second by Councilperson Nicholson.

Whereas, DTE Energy has a history of unreliability in providing “what should be” continuous, quality service to residents throughout our region, highlighting the windstorm blackouts of 2017, 2019, 2021, and last Wednesday’s ice storm, all of which resulted in upwards of 800,000 residents losing power;

Ayes: Carrington, Goodman, McGuinness, Nicholson and Parker

No: None

Motion Carried

Councilwoman Rutherford was absent during the vote.

Whereas, the most recent ice storm that affected the Great Lakes Region left 1 million residents without power, out of that, 800,000 were in the state of Michigan; and

Whereas, as of Monday, February 27th, 13,000 homes in Michigan had been without power for 5 days; and

Whereas, by comparison the state of Illinois had about 12,000 customer outages, while the states of Wisconsin, Indiana, and Ohio combined had a fewer than 3,000 outages combined; and

Whereas, the State of Minnesota received 21 inches of snow during the storm, and that state had a grand total of nine household outages; and

Whereas, DTE Energy has a history of unreliability in providing what should be continuous, quality service to residents throughout our region, highlighting the windstorm blackouts of 2017, 2019, 2021, and last Wednesday’s ice storm, all of which resulted in upwards of 800,000 residents losing power; and

Whereas, utility watchdog group Citizens Utility Board ranked DTE as one of the least reliable utilities in the nation; and

Whereas over the last decade DTE Energy and Consumers Energy have increased residents’ costs by 50% while costs for industrial customers remained flat, causing Michiganders pay some of the nation’s highest rates for subpar services; and

Whereas, on Thursday, February 23, 2023, as tens of thousands of its customers were shivering cold in the dark, DTE Energy held its Fourth Quarter earnings call, where it was celebrated that the company made a profit over \$1.1 Billion for the year; and

Whereas, DTE Energy is asking for another rate hike that will give them over \$600 Million in new revenues off of the backs of working-class Pontiac and Michigan residents; and

Whereas, investigative media reports have found DTE Energy shut off service to tens of thousands of customers while receiving hundreds of millions in COVID relief dollars from the federal government; and

Whereas, DTE Energy has exponentially more outages by ratio when compared to areas of the state that rely on a form of municipal public utility, such as the Lansing Board of Water and Light and the Holland

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Board of Public Works; now,

Therefore, be it Resolved, the Pontiac City Council supports the reintroduction of Michigan House Bills 6043-6047, which would have set a formula for utility companies to reimburse customers for service interruptions, require utility companies to give compensation to consumers for repeated outages, and stipulates that the credits must come from company profits and cannot be charged back to ratepayers; and further

Resolved, the Pontiac City Council pledges our support for the call of a state level investigatory committee hearings on these outages, and explore the extent of DTE's political lobbying; and further

Resolved, the Pontiac City Council pledges our support for the call to have the state legislature commission a study on the reliability and outages of DTE Energy versus other Michigan public utilities, and other utilities across the country; and further

Resolved, the Pontiac City Council calls on the state legislature to start a committee researching the feasibility of a democratically accountable, state-run utility in Michigan.

Ayes: Parker, Rutherford, Carrington, Goodman, McGuinness and Nicholson

No: None

Amended Resolution Passed

Department of Public Works (DPW)

23-83 **Resolution to authorize the City Clerk to Post Notice of Budget Amendment for Department of Public Works Engineering Services in the amount of \$360,000.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

WHEREAS, the DPW is operating without City Engineer and other supporting staff for many months in the current budget year. Hence, acting DPW director has been using Consultant Engineer to perform these engineering functions for DPW and other departments. As the outside Consultants are more expensive than the internal staff, savings in the pay and benefit cost is not enough to offset the cost of external consultants; and,

WHEREAS, this amendment addresses the funding shortfall in the Engineering Services account through the end of this fiscal year; and,

WHEREAS, this budget amendment will decrease the fund balance in the Fund 101 – General Fund by \$119,700;

NOW THEREFORE, BE RESOLVED, that the City Council hereby authorizes the City Clerk to publish in a newspaper the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

This budget amendment allocates the funds in the categories as given below:

101-447-806.000 Engineering Services	\$360,000
101-447-702.000 Salaries & Wages	(\$200,000),
101-447-715.000 FICA City Contribution	(\$15,300),
101-447-718.500 MERS Employer Contribution	(\$10,000),
101-447-716.000 Medial Insurance	(\$15,000)

Net Decrease in the General Fund Balance	\$119,700
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Ayes: Carrington, Goodman, McGuinness, Nicholson, Parker and Rutherford

No: None

Resolution Passed

Purchasing

23-86 **Resolution approving a Three-Year Contract Extension with CompOne for the City's Third Party Administrator Services.** Moved by Councilperson Nicholson and second by Councilperson Parker.

Whereas, the Purchasing Division has completed its due diligence by requesting a contract amendment in accordance with the City's municipal code, Division II. Purchasing, Section 2-519;

Whereas, the Purchasing Manager is requesting to establish a three-year extension with CompOne, with options to renew at the discretion of the mayor;

Now, Therefore, The Pontiac City Council approves the execution of a three-year extension with CompOne, executed by the Mayor.

Ayes: McGuinness, Nicholson, Parker, Rutherford, Carrington and Goodman

No: None

Resolution Passed

Treasury

23-87 **Resolution approving Annual Board of review Hardship Exemption Guidelines.** Moved by Councilperson Goodman and second by Councilperson Rutherford.

WHEREAS, City Council has reviewed the Board of Review's request in addition to the State of Michigan's Procedural Changes for 2023 Assessment year, discussed the potential changes, and have come to a decision to increase the income limit for the 2023 tax season from 1x to 1.25x the federal poverty guideline. In addition, City Council has discussed and agreed to give the Board the discretion to offer 25%, 50%, or 100% reduction for approved hardship appeals.

NOW, THEREFORE, BE IT RESOLVED, The Pontiac City Council hereby agrees to increase the income limit for the 2023 tax season to 1.25x the federal poverty guideline and will give the Board the discretion to offer 25%, 50%, or 100% reduction for approved hardship appeals.

Ayes: Nicholson, Parker, Rutherford, Carrington, Goodman and McGuinness

No: None

Resolution Passed

Public Comment

1. Quincy Stewart
2. Kenny Anderson
3. Renee Beckley
4. Dr. Deirdre Waterman
5. Chuck Johnson
6. Larry Jasper

Discussion

Oakland County Expanded Transit Services, Bus Lines

Closed Session

23-88 **Resolution to proceed into Closed Session at 9:17 p.m. pursuant to Sections 8(d) and 8(h) of the Open Meetings Act, MCL 15.268 e and (h), to discuss to consider the purchase of certain real property; and the confidential legal opinion of counsel in connection with the purchase of real property.** Moved by Councilperson Rutherford and second by Councilperson Parker.

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WHEREAS, Section 8(d) of the Michigan Open Meetings Act provides that a public body may meet in Closed Session to consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained; and

WHEREAS, the Michigan Open Meetings Act provides that a public body may meet in Closed Session to consider material exempt from discussion or disclosure by state or federal statute; and

WHEREAS, written confidential communications that are the subject of attorney-client privilege are exempt from disclosure and may be discussed in Closed Session pursuant to Section 8(h) of the Open Meetings Act, MCL 15.268(h).

NOW THEREFOR BE IT RESOLVED, the City Council will proceed in Closed Session pursuant to Sections 8(d) and 8(h) of the Open Meetings Act, MCL 15.268(e) and (h), to discuss to consider the purchase of certain real property; and the confidential legal opinion of counsel in connection with the purchase of real property.

Ayes: Parker, Rutherford, Carrington, Goodman, McGuinness and Nicholson

No: None

Resolution Passed

Motion to come out of Closed Session at 10:07 p.m. Moved by Councilperson Goodman and second by Councilperson Rutherford.

Ayes: Rutherford, Carrington, Goodman, McGuinness, Nicholson and Parker

No: None

Motion Carried

Councilman Carrington left the meeting at 10:07 p.m.

Suspend the Rules

Motion to suspend the rules to authorize Phase 2 ESA \$15,000 for real property site condition consideration. Moved by Councilperson Rutherford and second by Councilperson Nicholson.

Ayes: Goodman, McGuinness, Nicholson, Parker and Rutherford

No: None

Motion Carried

23-89 **Resolution approving a recommendation for Phase 2 ESA in the amount of \$15,000 for real property site condition consideration with NTH Consultants LTD, and authorize the Mayor to execute the agreement. (Agenda Add-on)** Moved by Councilperson Parker and second by Councilperson Nicholson

Pontiac City Council hereby Be It Resolved, that we authorize Mayor Tim Greimel to enter into an agreement with NTH Consultants LTD, to conduct Phase 2 ESA in the amount of \$15,800 for real property under consideration.

Ayes: Goodman, McGuinness, Nicholson, Parker and Rutherford

No: None

Resolution Passed

Communications

City Council and Mayor's Office

Mayor, Clerk and Council Closing Comments

February 28, 2023 Draft

Mayor Greimel, Clerk Doyle, Councilwoman Melanie Rutherford, Councilman Brett Nicholson, Councilman Mikal Goodman, Councilman William Parker Jr., and Council President Mike McGuinness made closing comments.

Adjournment

Motion to adjourn the meeting. Moved by Councilperson Parker and second by Councilperson Rutherford.

Ayes: McGuinness, Nicholson, Parker, Rutherford and Goodman

No: None

Motion Carried

Council President Mike McGuinness adjourned the meeting at 10:23 p.m.

Garland S. Doyle
City Clerk

An ordinance to Amend the Planning Commission Bylaws

The City of Pontiac Ordains:

PLANNING COMMISSION BYLAWS

City of Pontiac

**Municipal Code – Article V – Boards and
Commissions**

2-371. Scope, purpose and intent.

This division is adopted pursuant to the authority granted to the city under the Michigan Planning Enabling Act, Public Act No. 33 of 2008 (MCL 125.3801 et seq.) to establish a City Planning Commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this division and any future amendments to this division.

The purpose of this division is to provide that the City of Pontiac shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act No. 33 of 2008 (MCL 125.3801, et seq.) to establish the appointments, terms, and membership of the city planning commission; to identify officers and the minimum number of meetings per year of the city planning commission; and to prescribe the authority, powers and duties of the city planning commission.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 1, 5-20-11)

2-372. Composition; terms.

- a. Under and by virtue of the authority in Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), there is created a city planning commission, formerly established under the former Act No. 285 of the Public Acts of Michigan of 1931 (MCL 125.31 et seq.). The city planning commission shall consist of six (6) members plus one (1) ex officio member for a total of seven (7) members. All Planning Commission Members, including the ex officio member, shall be appointed by the mayor, subject to approval by a majority vote of the City Council, as provided in state law.
- b. City planning commission members shall be qualified electors of the city (i.e., a United States citizen who is eighteen (18) years old, and who has been a resident of the State of Michigan for six (6) months and a resident of the City for at least thirty (30) days), except that one city planning commission member may be an individual who is not qualified elector of the City.
- c. An appointed member of the city planning commission shall hold no other municipal office, except that one member may be a member of the zoning board of appeals or a member of the joint fire administrative board, except one ex officio member. No elected officer or employee of the City is eligible to be a member of the city planning commission, except one ex officio member.
- d. The term of each appointed member shall be three (3) years and shall serve for the terms herein specified, unless removed before the expiration of the term pursuant to this division or state law and except as provided in subsection (f) below.
- e. Members of the city planning commission shall represent, insofar as is possible, different professions or occupations. By way of example and to the extent practicable, members should come from the economic, governmental, educational, and social development segments of the City of Pontiac, in accordance with the major interests as they exist in the City of Pontiac, such as agricultural, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire territory of the City of Pontiac to the extent practicable.

- f. The terms of the six (6) members shall be for three (3) years and commence on July 1, 2011; provided, however, that three members of the first city planning commission to be appointed hereunder shall serve until June 30, 2012, two members until June 30, 2013, and two members until June 30, 2014. Thereafter all members shall be appointed for a term of three years and shall serve until their successors are appointed and qualified. The term of ex officio member shall be concurrent with the term of office of the Mayor of the City of Pontiac. A member will hold the position until a successor is appointed, although the mayor, shall nominate an appointee three (3) months prior to the expiration of a sitting appointee's term for consideration as an appointee under the provisions of this division.
- g. The ex officio member shall include the mayor or a person appointed by him.
- h. No member of the city planning commission shall receive any compensation as such.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 2, 5-20-11; Ord. No. 2236, § 1, 12-5-11)

Cross references—Buildings and building regulations, ch. 22.

State law references—Michigan Planning Enabling Act, MCL 125.3801 et seq.

2-373. Officers' election; meeting.

- a. The city planning commission shall elect its chairman from among the appointed members and create and fill such other of its offices as it may determine. The term of chairman shall be one (1) year, with eligibility for reelection.
- b. The city planning commission shall hold at least one regular meeting in each month.
- c. The city planning commission shall comply with the Open Meetings Act.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 3, 5-20-11)

2-374. Removal of city planning commission member vacancy.

- a. Members of the city planning commission may, after written charges and a public hearing occurring no sooner than ten (10) days after the preparation of written charges, be removed by the mayor for the following reasons: conflict of interest; inefficiency; neglect of duty; malfeasance, misfeasance or nonfeasance in office; lack of qualifications; incompetency; misconduct; conviction of a felony; or a violation of this charter (including the charter's conflict of interest provisions) or any job-related ordinance, rule or regulation.
- b. Members shall disclose of all potential conflicts of interest and may not vote on a matter for which the member has a conflict of interest. Failure to disclose potential conflicts of interest or voting on matters for which the member has a conflict of interest is considered malfeasance in office.
- c. In the case of the termination of membership of any member of the city planning commission before the expiration of his term, through resignation, removal or any other reason, the vacancy shall be filled by appointment by the mayor, subject to the approval by a majority vote of the members of the city council, for the unexpired term of the member whose membership has terminated, as provided in state law.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 4, 5-20-11)

2-375. City liability limited; expenditures.

No liability shall be incurred by the city planning commission, nor shall any employee be hired or contract made with any person, except on the approval of the city planning commission by resolution. No expenditure of any funds shall be made unless such funds are first appropriated and set aside by the city planning commission.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 5, 5-20-11)

2-376. Additional duties

The City Planning Commission shall:

- a. Under the authority in Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), and other applicable planning statutes, the Planning Commission shall make a master plan as a guide for development within the City's planning jurisdiction;
- b. Keep a public record of all resolutions, transactions, findings and determinations, including, but not limited to, making all final agendas and minutes available on the City Planning Commission's website; and
- c. Make an annual written report to the Mayor and City Council of the City Planning Commission's operations and status of planning activities.
- d. Be exempted from preparing the capital improvement program in accordance with MCL 125.3865. The capital improvement program shall be prepared by the Community Development Director, subject to final approval by the City Council.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 6, 5-20-11; Ord. No. 2298, § 1, 7-7-13)

2-377. State regulations applicable.

The city planning commission, except as provided in this division, shall be governed by the rules and regulations set forth in Act No. 33 of the Public Acts of Michigan of 2008 (MCL 125.3801 et seq.), as amended. The purpose of the city planning commission shall be the adoption of a city plan and a zoning ordinance for the control of the height, area, bulk, location and use of buildings and premises in the city.

(Ord. No. 2222, § 2 (Exh. A), 5-20-11; Ord. No. 2224, § 7, 5-20-11)

#3

ORDINANCE

Mark Yandrick
Planning Manager
myandrick@pontiac.mi.us
248-758-2824



Community Development
Department
Planning Division
47450 Woodward Avenue
Pontiac, MI 48342

TO: City Council

FROM: Mark Yandrick, Planning Manager

DATE: March 3, 2023, Revised March 6, 2023

RE: Staff Report: Adult User Marihuana Zoning Text Amendment, Woodward Gateway Overlay District Zoning Map Amendment

Executive Summary:

City Staff propose Zoning Text and Zoning Map Amendments to permit Adult-Use Marihuana land uses within the City of Pontiac.

There are two (2) versions of each of the proposed amendments provided. One includes the updated regulations, including the newly proposed Woodward Gateway Overlay District; and the other includes updated regulations only.

Planning Commission reviewed the Zoning Map Amendments during a public hearing at the March 1, 2023 Planning Commission meeting and recommended approval of the Ordinance that includes the Woodward Gateway Overlay District. Planning Commission also reviewed the Text Amendments at the same meeting and recommended approval of the Ordinance that includes the Woodward Gateway Overlay District with four (4) conditions of approval.

Update March 6, 2023

After advice from legal counsel, the Zoning Map and Text Amendments we merged into one combined Ordinance as the two are predicated on each other's passing. City Council should review the two Ordinances as presented to City Council with one including the Woodward Gateway Overlay District and one without the Woodward Gateway Overlay District. Attached are the revised ordinances that are combined.

Overview:

City Council approved Resolution 22-189 on July 5, 2022, directing City Administration to draft a Municipal Code and Zoning Code ordinance for regulated sales of recreational marihuana (hereby known as Adult-Use Marihuana) in Pontiac. This resolution was adopted to highlight support for the exploration of ordinances permitting and regulating Adult-Use Marihuana land uses in the City.

City Council is concurrently considering amendments to the Pontiac Municipal Code. Both the proposed Municipal Code and Zoning Code amendments aim to adopt home-rule regulations for the City of Pontiac, that follows the guidelines of the Michigan Regulation and Taxation of Marihuana Act of 2018.

The City Administration and Staff's goal is to create regulations similar but stronger zoning regulations to the City's Medical Marihuana Regulations, which were passed by referendum in 2018, including restricting adult-use marihuana facilities to the three (3) Overlay Districts, which were previously created to allow for Medical Marihuana facility uses. Because the City is initiating these amendments, as opposed

to a referendum created by outside special interest groups, the City has more flexibility to create a new ordinance that aligns the regulations with the City's vision and goals and restricts the majority of the land uses to the three (3) or four (4) Overlay Districts.

Because Table 2 for is proposed to be renumbered to Table 2.1 to create Table 2.2 for Adult-Use Marihuana Uses permitted in the Overlay Districts, the sections that identify Table 2 are included in this Ordinance.

Proposal:

The proposed amendment includes the authorization for the following nine (9) Adult-Use Marihuana uses to operate in certain designated "Overlay Districts" within the City.

1. Designated Consumption Facilities
2. Grower Facility
3. Class A Microbusiness
4. Processor
5. Retailer
6. Social Equity retailer
7. Safety Compliance Facility
8. Secure Transporter
9. Temporary Marihuana Event

The proposed amendment also sets forth reasonable zoning regulation for medical marihuana caregivers.

Districts:

Two (2) Ordinances are provided. One incorporates the three (3) Overlay Districts (Downtown Overlay District, Cesar E. Chavez Overlay District, and East Walton Overlay District) that were adopted for the Medical Marihuana Ordinance in the City of Pontiac in 2018, The other Ordinance regulates the uses in those three (3) overlay districts but includes a fourth district, the Woodward Overlay District.

The three (3) overlay districts selected for the Medical Marihuana Ordinance were chosen for their economic diversity for different types of business and strategic priority where the presence of marihuana facilities may help revitalize these overlay districts. The Woodward Overlay District is considered primarily as the at-large conditional approvals for the City of Pontiac medical marihuana process were issued to locations on Woodward Avenue.



Exhibit A: East Walton Overlay District (District 1)



Exhibit B: Cesar E. Chavez Overlay District (District 2)



Exhibit C: Downtown Overlay District (District 3)

*Exhibit D: Proposed Woodward Gateway Overlay District
(District 4)*



Exhibit E: Proposed Woodward Gateway Overlay District with underlying Zoning District



Regulations:

Table 2.1 and Table 2.2 of the proposed zoning text amendment identifies the Zoning and Overlay Districts that each use is permitted or requires a Special Exception permit.

All uses must seek a Special Exception approval from Planning Commission except for the Temporary Marihuana Event, which only requires licensing from the Pontiac City Clerk and any necessary zoning and building approvals. This Special Exception includes any medical marihuana facilities that seek to convert to an adult-use marihuana facility.

In summary, Designated Consumption Facilities, Class A Microbusinesses and Temporary Marihuana Event Licensees may only seek approval to operate in the C-2 Downtown Overlay District. Grower Facilities and Processors may only seek approval in the East Walton and Cesar Chavez Overlay Districts. Secure Transporter facilities and Safety Compliance Facilities, are allowed to operate in the East Walton Boulevard and Cesar E. Chavez Adult-Use Marihuana Business Overlay Districts. The remaining Adult-Use Marihuana Retailers and Adult-Use Marihuana Social Equity Retailers may seek approval in each of the three (3) or four (4) Overlay Districts.

The regulations also regulate security, space separation, prohibiting nuisance, disposal of water, licensing, signage, colocation, building design, and site sign.

Signage:

There are some limitations to the images and wording of Adult-Use Marihuana signage that are proposed due to drug-related content, such as marihuana leaves and wording associated with marihuana.

There are signage requirements that Adult-Use Marihuana signage needs to be a certain Bufferyard from Outside of that, the signage regulations for these uses will be required to follow the sign regulations from Chapter 5 of the City's Zoning Code. Note that there are certain bufferyards for adult-use marihuana signage away from schools and daycares.

Site Requirements:

Several regulations for Adult Use Marihuana facilities are proposed that, when adopted, would be required when seeking their Special Exception Permit.

Lighting

A minimum site lighting, including minimum foot-candles and lighting levels is proposed for all parking and pedestrian areas in Retail, Social Equity retail, Class A Microbusinesses and Designated Consumption Facilities.

Parking Lot Landscaping

Parking lot landscaping and bufferyards will be need to be established between marihuana uses and properties zoned R-1, R-1a, R-1b, and R-2. Additionally

Building Design

Planning Commission will review the Building Design during the Special Exception permit process. Adult Use Marihuana establishments will be restricted from the percentage of windows that may be removed, shaded or made opaque. This figure is between 30% and 60% depending on the use and additionally, windows facing public streets may not be made opaque. However, Planning Commission is given discretion to require alternative architectural features in lieu of windows or opaqueness whenever the applicant is able to provide proof that their proposal meets state requirements beyond the City code requires.

Caregivers

Caregivers are proposed to be established as a land use. Due to nuisance and aesthetic concerns of electric demand, smell, and pollution for the Caregiver use, the City is proposing caregivers may only be located by in the IP-1 and M-1 Zoning Districts.

This Ordinance identifies Caregivers as a use and restricts them to Hours of Operation

Planning Commission recommended approval of retail establishments in the Downtown Overlay District to match to Designated Consumption Lounge Facility, which are 7 am – 2 am.

Retail and social equity retail establishments that are located in the other three (3) overlay districts are allowed to operate from 7 am – 10pm. These hours match the regulations for Medical Marihuana for similar uses. While Planning Commission considered alignment to closing hours of retail facilities and regulations throughout the State of Michigan, which is primarily 9 pm, they decided to keep the hours the same as the approved Medical Marihuana facilities, which is adopted as 10 pm in the City of Pontiac.

Site Inspections

Proposed requirement include that each Adult-Use Marihuana establishment and Caregiver operation must be able to provide an inspection at any time by City officials, including the Fire and Building Departments. Failure to comply with the inspection or to pass an inspection allows the City to use zoning police powers to suspend operations until the site is brought back into compliance

Additional Analysis on Proposed Ordinance, include Woodward Gateway Overlay District:

Community Economic Benefits:

For similar reasons to medical marihuana, the economic benefit from these new medical marihuana businesses will generate increased revenue to the City through medical marihuana application fees and excise, sales, income and property taxes. These revenues may fund City services for the betterment of the entire community. Adult-Use Marihuana facilities would open the doors to new businesses, jobs, and opportunities and spur development/redevelopment opportunities in areas in need of revitalization and investment. Additionally, when the City studied the City's Tax Increment Finance Authority [TIFA] Development Areas, significant economic benefits were identified for locating medical marihuana facilities within the TIFA 3 Development Area to increase revenues to pay down outstanding debt.

The Overlay Districts:

Existing Overlay Districts

The proposed Adult-Use Marihuana Overlay Districts identify three (3) existing overlay districts that are identical to the Medical Marihuana Overlay Districts. These three (3) Districts, which include the C-2 Downtown Overlay District, the East Walton Overlay District, and the Cesar Chavez Overlay District, were identified for the Medical Marihuana legislation for the following reasons:

- Significant number of properties zoned C-2, C-3, M-1, and M-2;
- Marihuana businesses are appropriate land uses and compatible with current businesses;
- A sound, sustainable approach to centralize marihuana businesses to encourage further private and public investment;
- Marihuana businesses would be located on either an MDOT state trunkline [Cesar Chavez] or a Major Road [Walton Boulevard];
- The roads have sufficient capacity to handle additional traffic;
- Marihuana businesses in these corridors will have minimal impact on residential neighbors;
- Corridors are fully serviced by utilities/infrastructure with sufficient capacity, and;
- Police and fire will have quick access with minimal response time to the Overlay Districts.

Woodward Gateway Corridor

The proposal for the Woodward Gateway Corridor are properties along Woodward Avenue from Central Avenue to Woodward Avenue Corridor is one of the leading gateways into the City. This gateway is an extension of the M-1 highway from Detroit to Pontiac and efficiently brings visitors into the City and Downtown Pontiac. This corridor is a main gateway to Downtown Pontiac and according to the most recent Southeast Michigan Council of Governments (SEMCOG) data, this stretch records an average daily traffic count of approximately 14,000-17,000 vehicles per day depending on the stretch of Woodward.

The M-1 Concourse, on the northwest corner of South Boulevard and Woodward Avenue, is considered a staple of the corridor. The 76-acre property hosts entertainment events throughout the year and attracts visitors to the site. Aside from M-1, the Trinity Health Oakland Hospital Campus has a prominent hospital near Martin Luther King Boulevard. The other uses include various Commercial Corridor (C-3), and Light Industrial (M-1) zoned properties where storage facilities, light industrial businesses, and a handful of retail, restaurants, and gas stations on the property exist on the corridor.

The importance of this corridor is that it brings drivers and visitors to Downtown Pontiac. The approved Medical Marihuana and the proposed Adult-Use Marihuana Ordinances' intent is to be a redevelopment strategy for Downtown Pontiac and the two other Overlay District corridors. Staff has concerns that allowing Adult Use Marihuana on Woodward Avenue would allow visitors from the south, southeast, and southwest points of the City to be able to purchase from a business on the Woodward Gateway Corridor,

stopping them from entering Downtown Pontiac.

While the City is looking to promote Adult-Use Marihuana in the City, staff's proposal is only for two (2) regular retail businesses and one (1) social equity retailer because it is a small corridor of properties. The goal is to make Pontiac economically viable for a diversity of land uses, not just from one industry or land use in this corridor.

Looking further at the current configuration of the corridor, there are some building facades and properties that are showing age, disrepair and lack of upkeep to modern development. This can be partly attributed due to the lack of effective planning and economic development strategies over the last 12 years. Current Community Development managers have identified this as an area for future revitalization strategies. This corridor is a key gateway to the City. Woodward Avenue is a wide road that can handle much higher traffic volumes. Having a cluster of Adult-Use Marihuana businesses on this corridor may limit what design, land use, and placemaking strategies occur on this gateway in the future. A key question is whether Adult-Use Marihuana on Woodward Avenue would restrict and aid future growth on this corridor and whether adult-use marihuana on Woodward Avenue would impact redevelopment opportunities in the other three (3) Overlay Districts. Additionally, would Woodward Gateway Overlay District restrict future land uses siting on this corridor if a site was surrounded by Adult-Use Marihuana businesses? While the addition of Adult-Use Marihuana in the City is an intended as a strategy with the proposed legislation, staff does not want to restrict future corridor growth opportunities from Adult-Use Marihuana businesses on this corridor.

Summary:

The proposed Zoning Ordinance Text Amendments establishes one (1) of the two (2) attached ordinances with either three (3) or four (4) Adult-Use Marihuana Overlay Districts [AUMOD] and creates nine (9) land uses for Adult-Use Marihuana in the City of Pontiac. Each use needs to obtain a conditional and final licensing approval from the City of Pontiac City Clerk office and receive Special Exception approval from Planning Commission to operate in the desired location, before receiving zoning and building occupancy approvals. The proximity of the licensed, approved medical marihuana facilities by the state of Michigan and the City of Pontiac will have to be more than 1,000 feet from a public or private school, and more than 500 feet from a commercial childcare center, a public park with playground equipment. Additionally, there would be a 500-foot buffer for a tax-exempt religious institution in only the Cesar E. Chavez and Walton Boulevard Overlay Districts. Because of the cluster of buildings, businesses, and churches downtown, this religious institution buffer would not apply to downtown. Additionally, the use needs to establish a safe amount of lighting, landscaping and architecture while providing a certain minimum coverage, established by each Adult-Use Marihuana land use, for the aesthetic of windows.

These amendments aim to provide the community economic benefits, while the location primarily in Overlay Districts established areas of best siting that limit the impact to neighboring residential communities. The site design standards protect the health, safety, welfare, and aesthetics of the neighborhoods and corridors surrounding each business.

Planning Commission Recommendation, Zoning Map Amendment:

Planning Commission Recommended APPROVAL, 3-1, of the Zoning Map Amendment that included the Woodward Gateway Overlay District.

City Council Motions will be presented in this memo for second reading.

Planning Commission Recommendation, Zoning Text Amendment:

Planning Commission Recommended APPROVAL, 4-0, of the Ordinance with the Woodward with the following (4) conditions of approval at the March 1, 2023 Planning Commission meeting.

1. The Municipal Attorney may amend this proposed Text Amendment before it is presented to City Council to align the Zoning Text Amendments with any Municipal Code Amendments to the Adult-Use Marihuana Ordinance.
2. This Zoning Text Amendment is contingent upon the Zoning Map Amendment for the Woodward Gateway District being adopted by City Council.
3. The permitted hours of operations for marihuana retailers and social equity retailers in the Woodward Gateway Overlay District, Cesar E. Chavez Overlay District, and the East Walton Overlay District shall be 7 am – 10pm.
4. The use of other shades and shade color shall be added to the sections regarding the opaqueness restrictions for windows.

Conditions #1, #3, and #4 have been incorporated into the Zoning Text Amendment

City Council Motions will be presented in this memo for second reading.

Attachments:

- Planning Commission Decision Letter for Zoning Map Amendment
- Planning Commission Decision Letter for Zoning Text Amendment
- Proposed Zoning Text and Map Amendment Ordinance, without the Woodward Overlay District (CLEAN)
- Proposed Zoning Text and Map Amendment Ordinance, without the Woodward Overlay District (REDLINED)
- Proposed Zoning Text and Map Amendment Ordinance, with the Woodward Overlay District (CLEAN)
- Proposed Zoning Text and Map Amendment Ordinance, with the Woodward Overlay District (REDLINED)
- Map of the four (4) Adult-Use Marihuana Overlay Districts, with the Woodward Overlay District
- Resolution to adopt the first reading of the Proposed Zoning Text and Map Amendment Ordinance, without the Woodward Overlay District
- Resolution to adopt the first reading of the Proposed Zoning Text and Map Amendment Ordinance, with the Woodward Overlay District

Mark Yandrick
Planning Manager
myandrick@pontiac.mi.us
248-758-2824



Community Development
Department
Planning Division
47450 Woodward Avenue
Pontiac, MI 48342

March 2, 2023

Mark Yandrick
Planning Manager
City of Pontiac
47450 Woodward
Pontiac, MI 48342

Re: Decision of the Planning Commission

Dear Mark Yandrick:

This letter is to inform you of the decision of the Planning Commission that was held on Wednesday March 1, 2023. The Commission recommended approved Zoning Map Amendment for the creation of the Woodward Gateway Overlay District. The decision was voted 3-1 in favor.

Sincerely,

A handwritten signature in cursive script, reading "Carla Cade".

Carla Cade
Planning Technician

Mark Yandrick
Planning Manager
myandrick@pontiac.mi.us
248-758-2824



Community Development
Department
Planning Division
47450 Woodward Avenue
Pontiac, MI 48342

March 2, 2023

Mark Yandrick
47450 Woodward
Pontiac, MI 48342

Re: Decision of the Planning Commission

Dear Mark Yandrick:

This letter is to inform you of the decision of the Planning Commission that was held on Wednesday, March 1, 2023. The Commission approved Zoning Text Amendment for the City Wide Ordinance. The decision was voted 4-0 in favor with the following (4) four conditions of approval.

1. The Municipal Attorney may amend this proposed Text Amendment before it is presented to City Council to align the Zoning Text Amendments with any Municipal Code Amendments to the Adult-Use Marihuana Ordinance.
2. This Zoning Text Amendment is contingent upon the Zoning Map Amendment for the Woodward Gateway District being adopted by City Council.
3. The permitted hours of operations for marihuana retailers and social equity retailers in the Woodward Gateway Overlay District, Cesar E. Chavez Overlay District, and the East Walton Overlay District shall be 7 am – 10pm.
4. The use of other shades and shade color shall be added to the sections regarding the opaqueness restrictions for windows.

Sincerely,

A handwritten signature in cursive script that reads "Carla Cade".

Carla Cade
Planning Technician

#3a

ORDINANCE

**Resolution of the Pontiac City Council
To Approve Zoning Ordinance Amendments to Regulate Adult-Use
Marihuana Businesses and create Designated Adult-Use Marihuana
Overlay Districts**



**Resolution to Approve Zoning Ordinance Amendments to Regulate Adult-Use Marihuana
Businesses and create four (4) Designated Adult-Use Marihuana Overlay Districts**

At a meeting of the City Council ("Council") of the City of Pontiac, County of Oakland, State of Michigan (the "City") at a meeting held on March 7, 2023, at 47450 Woodward Ave, Pontiac, MI 48342 at 6:00 p.m., there were:

PRESENT: _____

ABSENT: _____

The following preambles and resolution were offered by _____ and seconded by _____:

WHEREAS, before the City Council for consideration is an Ordinance to amend the City of Pontiac Zoning Ordinance to authorize Adult-Use Marihuana Businesses in designated overlay Districts; specifically, including the following Adult-Use Marihuana Overlay Districts (AUMODs): (1) Downtown Overlay District; (2) Cesar E. Chavez Overlay District; (3) East Walton Overlay District; and (4) Woodward Overlay District

WHEREAS, the proposed Ordinance amendments also include adoption of amendment to the City's Zoning Map to create the aforementioned AUMODs, including the Woodward Gateway Overlay District.

WHEREAS, the proposed Ordinance amendments also include reasonable zoning regulations on the operations of Primary Caregivers.

WHEREAS, the City Council finds it is in the best interest of the health, safety, and welfare, to accept the Planning Commission's Recommendation and approve the amendments to the Zoning Ordinance as presented with the Woodward Overlay District.

Now Therefore, Be It Resolved that the first reading of an Ordinance Amendment to the City's Zoning Ordinance, including amendments to Article 2, Article 3, Article 4, Article 7, and adoption of the amendments to the City of Pontiac Zoning Map.

A roll call vote on the foregoing resolution was taken, the result of which is as follows:

YES:

NO:

ABSTAIN:

THE RESOLUTION WAS THEREUPON DECLARED ADOPTED.

CERTIFICATION

I, the undersigned, the duly qualified and acting Clerk of the City of Pontiac, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City of Pontiac City Council at a regular meeting held on March 7, 2023, the original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with Act No. 267, Michigan Public Acts of 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.

Dated: March ____, 2023

By: _____
Its: City Clerk

CITY OF PONTIAC

ORDINANCE NO. # _____

AN ORDINANCE TO AMEND THE CITY OF PONTIAC ZONING ORDINANCE TO INCLUDE ADULT-USE MARIHUANA BUSINESSES IN DESIGNATED OVERLAY DISTRICTS AND USES TO INCLUDE:

ARTICLE 2, CHAPTER 1, SECTION 2.101, TABLE 1 ZONING DISTRICTS, SPECIAL PURPOSE ZONING DISTRICTS;

ARTICLE 2, CHAPTER 2, SECTION 2.203; SECTION 2.204; SECTION 2.205; and SECTION 2.303, TABLE 2.1-USES PERMITTED WITHIN ADULT-USE MARIHUANA OVERLAY DISTRICTS; AND PRIMARY CAREGIVERS OR CAREGIVERS USE PERMITTED IN ZONING DISTRICTS IP-1 AND M-1 BY SPECIAL EXCEPTION;

ARTICLE 2, CHAPTER 3, SECTION 2.304; SECTION 2.305; SECTION 2.306; SECTION 2.307; SECTION 2.308; SECTION 2.309; SECTION 2.310; SECTION 2.311; SECTION 2.312; SECTION 2.313; SECTION 2.314, TO AMEND TABLE 2 REFERENCE TO TABLE 2.1

ARTICLE 2 CHAPTER 4; SECTION 2.403; TO AMEND TABLE 2 REFERENCE TO TABLE 2.1

ARTICLE 2 CHAPTER 4; SECTION 2.501; TO AMEND TABLE 2 REFERENCE TO TABLE 2.1

ARTICLE 2, CHAPTER 5 – DEVELOPMENT STANDARDS FOR SPECIFIC USES TO ADD SECTIONS 2.551 Adult-Use Marihuana Grower Establishments; 2.552 Adult-Use Marihuana Processor; 2.553 Adult-Use Marihuana Retailer; Social Equity Retailer; 2.554 Adult-Use Class A Microbusiness; 2.555 Adult-Use Marihuana Designated Consumption Establishment; 2.556 Adult-Use Marihuana Safety Compliance Facility; 2.557 Adult-Use Marihuana Secure Transporter; 2.558 Temporary Marihuana Event; AND 2.559 Primary Caregiver or Caregiver;

ARTICLE 3, SPECIAL PURPOSE ZONING DISTRICTS TO ADD CHAPTER 12 – ADULT-USE MARIHUANA BUSINESS OVERLAY DISTRICTS; AND

ARTICLE 4, SECTION 2, SECTION 4.206; TO AMEND TABLE 2 REFERENCE TO TABLE 2.1

ARTICLE 4, SECTION 3, SECTION 4.303; TO AMEND TABLE 2 REFERENCE TO TABLE 2.1

ARTICLE 7 DEFINITIONS TO ADD CHAPTER 2 AND CHAPTER 3, Article 7 – Definitions.

THE CITY OF PONTIAC ORDAINS:

Article 2, Chapters 1 and 2, Section 2.101 Table 1 and Section 2.303 Table 2, Zoning Districts to add:

Abbreviation	General Zoning Districts	Abbreviation	Special Purpose Zoning Districts
To Remain The Same	To Remain The Same	--	--
		--	--
		AUMOD	Adult-Use Marihuana Overlay District

Amend Article 2, Chapter 2, Section 2.203, Permitted Uses By District:

A. **Uses Permitted in Each District.** Except for Adult-Use Marihuana Business uses, Table 2 lists the permitted uses in each district. Table 2.1 ~~lists~~ and Table 2.2 list the permitted Adult-Use Marihuana Business uses in each Adult-Use Marihuana Overlay Districts as defined in this ordinance. Refer to Article 7, Chapter 2 for definitions of all uses listed in the following Table 2.1 and Table 2.2. In addition, Primary Caregivers shall be permitted by special exception in IP-1 and M-1 Zoning Districts.

B. **Development Standards Applicable to Uses.** Whenever a specific development standard is included for a particular use in Table 2.1 or Table 2.2, any development must comply with the requirements of the referenced section. All development standards are listed in Article 2, Chapter 5.

C. **Footnotes.** Refer to the footnotes to the table of permitted uses in Section 2.205. Footnotes applicable to each zoning district or category of zoning districts are listed in parentheses in the heading of Table 2.1 and Table 2.2.

D. **Special Purpose Zoning Districts Not Listed in Table 2.1.** Refer to Article 3 for the uses and development standards applicable in the special purpose zoning districts. Special purpose zoning districts are not listed in Table 2, and include the PURD Planned Unit Residential District, R-5 Manufactured Housing District, R-O Recreation-Open Space District, P-1 Parking District, G-O-T Government Office Technology District, C-C Civic Center District, MUD – Mixed Use District, TC Town Center District, and SP Special Purpose District.

Amend Article 2, Section 2, Section 2.204 Zoning District Design Standards

The following Table 2.1 lists the uses that may be permitted in each zoning district, provided that the development also meets the design and building standards set forth for each district in Chapters 3 through 6 of this O, along with all other development standards contained in this Ordinance. For instance, while multiple family apartment buildings may be permitted in various zoning districts, each zoning district will have different standards for building bulk, location, and design. The customized design standards set forth in each zoning district are tailored to the existing and intended character of each zoning district and are further intended to prevent contextually inappropriate development from occurring within the City.

Amend Article 2, Chapter 2, Section 2.205 to add Subsection **ED**:

ED. The maximum allowable number of Adult-Use Marihuana Retailers in the City of Pontiac shall be eighteen (18) and the maximum number of Adult-Use Marihuana Social Equity Retailers shall be six (6). The maximum number of Marihuana Retail permits in each Adult-Use Marihuana Overlay District (AUMOD) shall be as set forth in Table 2.2, Adult Marihuana Uses by Overlay District, Including Limits Per Overlay District.

Amend Article 2, Chapter 2, Section 2.303 Table 2.1 (Uses Permitted by District) and Table 2.2 (Adult Marihuana Uses By Overlay District).

Not more than six (6) (Marihuana) Retailers are to be located in any one of the three Adult-Use Marihuana Business Overlay Districts; Social Equity Retailers authorized by City ordinance are allowed in any one of the three (3) Downtown Adult-Use Marihuana Business Overlay Districts; not more than five (5) Class A Microbusinesses are allowed across all Adult-Use Marihuana Business Overlay Districts; and not more than six (6) Designated Consumption Establishments shall be allowed in the ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay District with three (3) Designated Consumption Establishments permitted north of Huron Street and three (3) Designated Consumption Establishments permitted south of Huron Street; Grower, Safety Compliance Facility, Secure Transporter, are allowed in the East Walton Boulevard and Cesar E. Chavez Adult-Use Marihuana Business Overlay Districts; Temporary Marihuana Events shall be allowed only in the ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay District; and Primary Caregivers or Caregivers, shall be located by special exception approval in the IP-1 and M-1 Zoning Districts

Table 2.1 Uses Permitted by District

Commercial, Office, and Service Uses											
	Residential Districts			Commercial Districts				Industrial Districts			
	R-1	R-2	R-3	C-0	C-1	C-2	C-3	C-4	M-1	M-2	IP-1
Adult-Use Marihuana Designated Consumption Lounge Establishment											Section 2.555
Adult-Use Marihuana Grower Facility											Section 2.551
Adult-Use Marihuana Class A Microbusiness											Section 2.554
Adult-Use Marihuana Processor											Section 2.552

Adult-Use Marihuana Retailer or Social Equity Retailer												Section 2.553
Adult-Use Marihuana Safety Compliance Facility												Section 2.556
Adult-Use Marihuana Secure Transporter					X	X	X		X	X		Section 2.557
	R-1	R-2	R-3	C-0	C-1	C-2	C-3	C-4	M-1	M-2	IP-1	
Adult-Use Marihuana Temporary Marihuana Event												Section 2.558
Caregiver									X		X	Section 2.559

Table 2.2, Adult Marihuana Uses By Overlay District, Including Limits Per Overlay District

Adult-Use Marihuana Overlay Districts (AUMOD)					
	Downtown Overlay (District 3)	Cesar E. Chavez Overlay (District 2)	East Walton Overlay (District 1)	Woodward Gateway Overlay (District 4)	
Adult-Use Marihuana Designated Consumption Lounge Establishment	O 3 – N of Huron 3 – S of Huron				Section 2.555
Adult-Use Marihuana Grower Facility		O 3	O 3		Section 2.551
Adult-Use Marihuana Class A Microbusiness (5 across all districts)	O	O	O	O	Section 2.554

Adult-Use Marihuana Processor		O 3	O 3		Section 2.552
Adult-Use Marihuana Retailer	O 5	O 5	O 6	O 2	Section 2.553
Adult-Use Marihuana Social Equity Retailer	O 1	O 2	O 2	O 1	Section 2.553
Adult-Use Marihuana Safety Compliance Facility		O	O		Section 2.556
Adult-Use Marihuana Secure Transporter		O	O		Section 2.557
Adult-Use Marihuana Temporary Marihuana Event	#				Section 2.558

o = Special Exception Permit required. Applicants must have a conditionally approved Adult-Use Marihuana Business Permit from the City of Pontiac.

= Temporary Use Permitted with the Proper City of Pontiac Permitting with any necessary Building and Zoning Approvals.

Note: If a number is listed in Table 2.2, that is the maximum allowed in that overlay district. If a number is not listed, there is no limitation per Overlay District, but applicants must receive proper Adult-Use Marihuana permits from the City.

Amend Article 2 Chapter 3; Section 2.304 R-1, R-1A, R-1B One Family Dwelling Districts

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the R-1 district.

Amend Article 2 Chapter 3; Section 2.305 R-2, Two Family Dwelling Districts

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the R-2 district.

Amend Article 2 Chapter 3; Section 2.306 R-3, Multi-Family Dwelling Districts

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the R-3 district.

Amend Article 2 Chapter 3; Section 2.307 C-0, Residential Office District

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-0 district.

Amend Article 2 Chapter 3; Section 2.308 C-1, Local Business/Residential Mixed-Use District.

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-1 district.

Amend Article 2 Chapter 3; Section 2.309 C-2, Downtown Mixed-Use District

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-2 district.

Amend Article 2 Chapter 3; Section 2.310 C-3 Corridor Commercial Mixed-Use District.

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-3 district.

Amend Article 2 Chapter 3; Section 2.311 C-4 Suburban Business District.

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-4 district.

Amend Article 2 Chapter 4; Section 2.311 M-1, Limited Industrial District

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the M-1 district.

Amend Article 2 Chapter 4; Section 2.311 M-2, Limited Industrial District

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the M-2 district.

Amend Article 2 Chapter 4; Section 2.311 IP-1, Industrial Park District

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the IP-1 district.

Amend Article 2 Chapter 4; Section 2.403 Permitted Private Frontage Layouts

Table 4. Permitted Private Frontage Layouts by Zoning District

Footnote A: Community, Education, and Institution Uses listed in *Table 2.1*. Uses Permitted by District are exempt from the private frontage requirements and need only comply with the setback requirements for the zoning district in which they are located.

Amend Article 2 Chapter 4; Section 2.501 Mixed Use Building – Residential with Non-Residential

B. Permitted Uses. Non-residential uses permitted in a mixed-use building are limited to those that are permitted in the district by *Table 2.1*. Uses Permitted by District. Special exception

approval is required if a particular use that is proposed within a mixed-use building is listed as a special exception use in *Table 2.1*.

Amend Article 2, Chapter 5 – Development Standards for Specific Uses is amended to add SECTIONS 2.551 Adult-Use Marihuana Grower Establishments; 2.552 Adult-Use Marihuana Processor; 2.553 Adult-Use Marihuana Retailer; Social Equity Retailer; 2.554 Adult-Use Class A Microbusiness; 2.555 Adult-Use Marihuana Designated Consumption Establishment; 2.556 Adult-Use Marihuana Safety Compliance Facility; 2.557 Adult-Use Marihuana Secure Transporter; 2.558 Temporary Marihuana Event; AND 2.559 Primary Caregiver or Caregiver:

2.551 Adult-Use Marihuana Grower Establishments.

"Adult-Use Marihuana Grower" means a licensed and City-permitted marihuana establishment that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or marihuana retailer, as defined in the Michigan Regulation and Taxation of the Marihuana Act ("MRTMA"). As used in this ordinance, growers shall include class A growers, class B growers, and class C growers.

"Class A marihuana grower" means a grower licensed to grow not more than 100 marihuana plants.

"Class B marihuana grower" means a grower licensed to grow not more than 500 marihuana plants.

"Class C marihuana grower" means a grower licensed to grow not more than 2,000 marihuana plants.

A. General Provisions.

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a marihuana grower facility, and a sign shall be posted on the premises of each facility indicating that consumption is prohibited on the premises.

2. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code

Enforcement or Fire Marshal the operations shall be suspended until the property owner or operator brings the premises into compliance.

3. All activity related to the marihuana growing shall be done indoors.

4. Any marihuana grower establishment shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana plants on the premises which shall not exceed the amount permitted under the grower license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the marihuana grower does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of marihuana at the facility. A grower establishment shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

5. The marihuana grower facility shall, at all times, comply with the MRTMA and the rules and regulations of the Department of Licensing and Regulatory Affairs—Bureau of Marihuana Regulations ("LARA"), as amended from time to time.

B. Security.

1. The marihuana grower facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable marihuana remaining on the premises of a marihuana grower while the marihuana facility is not in operation shall be secured in a safe permanently affixed to the premises.

C. Space Separation.

1. Unless permitted by the MRTMA, public areas of the marihuana grower facility must be separated from restricted or nonpublic areas of the grower facility by a permanent barrier.

2. Unless permitted by the MRTMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.

D. Nuisance Prohibited.

1. Marihuana grower establishments shall be free from infestation by insects, rodents, birds, or vermin of any kind.
2. Marihuana grower establishments shall produce no products other than usable marihuana intended for human consumption.
3. No marihuana grower shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the marihuana grower is operated.

E. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a marihuana grower facility.
2. Marihuana grower uses are not permitted outside the Cesar Chavez and Walton Blvd. Adult-Use Marihuana Business Overlay Districts.

F. Disposal of Waste.

1. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where marihuana is exposed.
3. That portion of the structure where chemicals, such as, herbicides, pesticides, and fertilizers are stored shall be subject to inspection and approval by the local Fire Department to ensure compliance with the Michigan Fire Protection Code.

G. Signage.

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed marihuana grower shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:
 - i. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
 - ii. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. Co-Location.

1. There shall be no accessory uses permitted within the same grower establishment location, other than a processor, retailer, social equity retailer, Class A microbusiness, or designated consumption establishment, , provided all said uses are in conformance with this zoning ordinance, the City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder.
2. Multiple class C licenses may be stacked in the same grower establishment as defined by the MRTMA and shall only be considered as one establishment for the purposes of this subsection. A separate application fee is required to be paid for each class C license.

I. Building Design.

1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.

2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
3. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting, and/or watering devices that support the cultivation, growing, or harvesting of marihuana are located.

J. Site Design

Grower marihuana businesses seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. Landscaping. The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines. In the ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay District, only, the following additional landscaping requirements shall apply:
 - a. All available areas for green space on a parcel containing an Adult-Use Retail Establishment shall be covered with landscape material for 100 percent of the area.
 - b. Landscaping shall be compatible with existing landscape buckets located in the ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay District.
2. Site Lighting. An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site

measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:

- a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
 - b. 0.8 LLF for Fluorescent and Sodium lamp sources.
 - c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.
3. Window and Window Coverings. Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.
- a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.
 - b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means, such as covering behind or in front of the window, and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.
 - c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out, (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

2.552 Adult-Use Marihuana Processor.

"Processor" means a licensed and City-permitted marihuana facility authorized to purchase or obtain marihuana from a grower establishment and who processes the marihuana and sells or transfers it in packaged form to a retailer, social equity retailer, class A microbusiness, or another processor.

A. General Provisions.

1. The processor shall comply at all times and in all circumstances with the MRTMA, and the general rules of LARA, as they may be amended from time to time.
2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a marihuana processor, and a sign shall be posted on the premises of each marihuana processor indicating that consumption is prohibited on the premises.
3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.
4. Any processor facility shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana products on the premises which shall not exceed the amount permitted under the processor license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the processor does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount

of marihuana at the facility. A processor shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

5. Processor facilities shall not produce any products other than those marihuana-infused products allowed by the MRTMA and the rules promulgated thereunder.

B. Security.

1. The marihuana processor facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable marihuana and marihuana products remaining on the premises of a marihuana processor while the marihuana facility is not in operation shall be secured in a safe permanently affixed to the premises.

3. All marihuana and marihuana products shall be contained within the building in an enclosed, locked facility in accordance with the MRTMA, as amended.

C. Space Separation.

1. Unless permitted by the MRTMA, public areas of the marihuana processor facility must be separated from restricted or nonpublic areas of the processor facility by a permanent barrier.

2. Unless permitted by the MRTMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.

D. Nuisance Prohibited.

1. Processor facilities shall be free from infestation by insects, rodents, birds, or vermin of any kind.

2. No marihuana processor shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the marihuana processor is operated.

E. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a marihuana processor facility.
2. Marihuana processor uses are not permitted outside the Cesar Chavez and Walton Blvd. Adult-Use Marihuana Business Overlay Districts.

F. Disposal of Waste.

1. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where marihuana is exposed.

G. Signage.

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed marihuana processor shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:
 - a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and

- b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. Co-Location.

1. There shall be no accessory uses permitted within the same processor facility location other than those associated with a grower, adult-use marihuana retailer, social equity retailer, Class A microbusiness, or designated consumption establishment,, provided all said uses are in conformance with this zoning ordinance, City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder.
2. The dispensing of marihuana at the processor facility shall be prohibited.

I. Building Design.

1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.
2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.

J. Site Design

Processor business seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. Landscaping. The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines.

2. **Site Lighting.** An adult-use marihuana processor site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:
 - a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
 - b. 0.8 LLF for Fluorescent and Sodium lamp sources.
 - c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.
3. **Window and Window Coverings.** Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.
 - a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.
 - b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means, such as covering behind or in front of the window, and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.
 - c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning

Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out, (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

2.553 Adult-Use Marihuana Retailer; Social Equity Retailer.

"Retailer" and "Social Equity Retailer" means a licensed and City-permitted marihuana establishment that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to marihuana establishments and to individuals who are 21 years of age or older in accordance with MRTMA and the City's Adult-Use Marihuana Business Ordinance.

A. General Provisions.

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a Retailer or Social Equity Retailer, and a sign shall be posted on the premises indicating that consumption is prohibited on the premises.
2. Retailer or Social Equity Retailers shall be closed for business between the hours of 9:00 p.m. and 7:00 a.m., with the exception of Retailer or Social Equity Retailers operating in the ~~C-2~~ Downtown Overlay District, which shall be closed for business between the hours of 2:00 am and 7:00 a.m.
3. The premises of a Retailer or Social Equity Retailer shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.
4. Any retailer or social-equity retailer shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana products on the premises which shall not exceed the amount permitted under the processor license issued by the

State of Michigan. This log shall be available to law enforcement personnel to confirm that the processor does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of marihuana at the facility. A retailer or social-equity retailer shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Security.

1. Retailer and Social Equity Retailer shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.
2. Any usable marihuana remaining on the premises of a Retailer or Social Equity Retailer while not in operation shall be secured in a safe permanently affixed to the premises.

C. Space Separation.

1. Unless permitted by the MRTMA public areas of the Retailer or Social Equity must be separated from restricted or nonpublic areas of the retailer by a permanent barrier.
2. Unless permitted by the MRTMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.
3. Marihuana may be displayed in a sales area only if permitted by the MRTMA.

D. Nuisance Prohibited. No Retailer or Social Equity shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Marihuana Retailer is operated.

E. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a Retailer or Social Equity Retailer.

2. The number of Adult-Use Retailers and/or Adult-Use Marihuana Social Equity Retailers which may be established in each of the following Adult-Use Marihuana Business Overlay Districts shall be governed by Table 2.2 as set forth in Article 2, Chapter 2, Section 2.303:

a. **East Walton Overlay District (Overlay District 1).** All properties along Walton Blvd. and streets north of Walton Blvd., but not including areas north of Collier Road between the west side of Telegraph Road to Fuller Street, including those contained within Overlay Map 1 for this Adult-Use Marihuana Business Overlay District.

b. **Cesar Chavez District (Overlay District 2).** All properties along Cesar Chavez, starting from the Kennett Road Landfill and areas south to Cesar Chavez to W. Montcalm St.

c. ~~C-2~~ **Downtown Overlay District (Overlay District 3).** All properties within Downtown District located inside of the Woodward Avenue Loop.

d. **Woodward Gateway Overlay (Overlay District 4).** All Properties located along Woodward Avenue that are depicted within Overlay Map 4 (Starting from South of Turk Street and ending North at Central Avenue on the Northeast side of Woodward Avenue) and are adjacent to the M-1 (Limited Industrial) or M-2 (General Industrial) Zoning Districts.

3. Except as otherwise permitted by state law, and the City Adult-Use Marihuana Business Ordinance, Retailers and Social Equity Retailers are not permitted within the same locations as non-marihuana uses.

F. **Disposal of Waste.** Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

G. **Signage.**

1. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.

2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.

3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.

4. No licensed Marihuana Retailer or Social Equity Retailer shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:

a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and

b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. **Co-Location.** There shall be no accessory uses permitted within the same Retailer or Social Equity Retailer establishment other than a grower, processor, Class A microbusiness, or designated consumption establishment, provided all said uses are in conformance with this Zoning Ordinance, City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder.

I. **Site Design.**

Retailers and Social Equity Retailers seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding neighborhoods.

1. **Four-sided Architecture:** All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.
2. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed

to not interfere with the public utility lines. In the ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay Districts, only, the following additional landscaping requirements shall apply:

- a. All available areas for greenspace on a parcel containing an Adult-Use Retail Facility shall be covered with landscape material for 100 percent of the area.
 - b. Landscaping shall be compatible with existing landscape buckets located in the Downtown Adult-Use Marihuana Business Overlay District.
3. **Site Lighting.** An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:
 - a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
 - b. 0.8 LLF for Fluorescent and Sodium lamp sources.
 - c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.
4. **Drive-Throughs.** Drive throughs and drive through, walk-up window service, and curbside service shall be a prohibited use for any "Retailer" or "Social Equity Retailer" establishment.
5. **Window and Window Coverings.** Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.
 - a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above

60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means, such as covering behind or in front of the window and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out, (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

2.554 Adult-Use Class A Microbusiness.

"Class A Microbusiness" means a licensed and City-permitted marihuana establishment authorized to operate at a single location and cultivate not more than 300 mature marihuana plants; package marihuana; purchase marihuana concentrate and marihuana-infused products from licensed marihuana processors; sell or transfer marihuana and marihuana-infused products to individuals 21 years of age and older; and transfer marihuana to a safety compliance facility for testing in accordance with MRTMA and the City's Adult-Use Marihuana Ordinance.

A. General Provisions.

1. Class A Microbusiness shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises between the hours of 10:00 p.m. and 7:00 a.m.

2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a Class A Microbusiness, and a sign shall be posted on the premises of each Class A Microbusiness indicating that consumption is prohibited on the premises.

3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement, or Fire Marshal the operations shall be suspended until the property owner or operator brings the premises into compliance.

4. Any Class A Microbusiness shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana products on the premises which shall not exceed the amount permitted under the processor license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the processor does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of marihuana at the facility. A Class A Microbusiness shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Security.

1. Class A Microbusiness shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable marihuana remaining on the premises of a Class A Microbusiness while the Marihuana Retailer is not in operation shall be secured in a safe permanently affixed to the premises.

C. Space Separation.

1. Unless permitted by the MRTMA public areas of the Class A Microbusiness must be separated from restricted or nonpublic areas of the retailer by a permanent barrier.
2. Unless permitted by the MRTMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.
3. Marihuana may be displayed in a sales area only if permitted by the MRTMA.

D. Nuisance Prohibited. No Class A Microbusiness shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Class A Microbusiness is operated.

E. Drive-Through. Drive-throughs and drive-through, walk-up window service, and curbside service on the premises of a Class A Microbusiness shall not be permitted.

F. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a Class A Microbusiness.
2. Class A Microbusiness is a Special Land Use (also referred to as Special Exception under this Ordinance) and no more than five (5) Class A Microbusinesses shall be permitted by the City.
3. Except as otherwise permitted by state law, and the City's Adult-Use Marihuana Business Ordinance, Class A Microbusiness are not permitted within the same establishment location as non-marihuana uses.

G. Disposal of Waste. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

H. Signage.

1. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.

2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.

3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.

4. No licensed Class A Microbusiness shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:

a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and

b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

I. **Co-Location.** There shall be no accessory uses permitted within the same Class A Microbusiness establishment location other than a grower, processor, adult-use marihuana retailer, social equity retailer, or designated consumption establishment, provided all said uses are in conformance with this Zoning Ordinance, City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder..

J. **Site Design.** Any adult-use marihuana business seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. **Four-sided Architecture.** All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.

2. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where

underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines.

3. **Site Lighting.** An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:
 - a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
 - b. 0.8 LLF for Fluorescent and Sodium lamp sources.
 - c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.
4. **Window and Window Coverings.** Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.
 - a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.
 - b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means, such as covering behind or in front of the window and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out, (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

2.555 Adult-Use Designated Consumption Establishment.

"Designated Consumption Establishment" means a marihuana-related business authorized to permit individuals 21 years of age and older to consume marihuana and marihuana products on the licensed commercial premises located in the C-2 Downtown Overlay District No. 3. in accordance with MRTMA and the City's Adult-Use Marihuana Ordinance.

A. General Provisions.

1. Designated Consumption Establishment shall be closed for business, and no consumption of marihuana in any form shall occur upon the premises between the hours of 2:00 a.m. and 7:00 a.m.
2. Consumption of marihuana in any form at a Designated Consumption Establishment shall occur indoors. A Designated Consumption Establishment shall post signage on any outdoor areas, including patios, decks, and greenspace, indicating that smoking and other consumption of marihuana is prohibited.
3. Tobacco smoking and/or alcohol shall be prohibited on the premises of a Designated Consumption Lounge Establishment, and a sign shall be posted on the premises of each Designated Consumption Lounge Establishment indicating that tobacco smoking and/or alcohol is prohibited on the premises.
4. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire

Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.

5. Any Designated Consumption Establishment shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana products on the premises which shall not exceed the amount permitted under the processor license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the processor does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of marihuana at the facility. A Designated Consumption Establishment shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Security.

1. Designated Consumption Establishment shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable marihuana remaining on the premises of a Designated Consumption Establishment while the Designated Consumption Lounge Establishment is not in operation shall be secured in a safe permanently affixed to the premises.

C. Nuisance Prohibited. No Designated Consumption Establishment shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Designated Consumption Establishment is operated.

D. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a Designated Consumption Establishment.

2. A Designated Consumption Establishment is Special Land Use and shall be limited to ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay District as identified in the City zoning ordinance and on the City Zoning Map, with three Designated Consumption Establishments permitted north of Huron Street, and three Designated Consumption Establishments permitted south of Huron Street.

3. Except as otherwise permitted by state law, and the City's Adult-Use Marihuana Business Ordinance, Designated Consumption Establishments are not permitted within the same facility locations as non-marihuana uses.

E. **Disposal of Waste.** Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

F. **Signage.**

1. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.

2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.

3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.

4. No licensed Designated Consumption Establishment shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:

a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and

b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

G. **Co-Location.** There shall be no accessory uses permitted within the same Designated Consumption Establishment location other than a grower, processor, adult-use marihuana

retailer, or social equity retailer, provided all said uses are in conformance with this Zoning Ordinance, City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder.

H. Site Design.

Any adult-use marihuana business seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. **Four-sided Architecture.** All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.

2. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping as set forth in Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines.

3. **Site Lighting.** An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:

- a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
- b. 0.8 LLF for Fluorescent and Sodium lamp sources.

c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.

4. **Window and Window Coverings.** Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means, such as covering behind or in front of the window and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out, (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

2.556 Adult-Use Marihuana Safety Compliance Facility.

"Safety compliance facility" means a safety compliance facility as defined by the MRTMA and the administrative Marihuana Rules, including R 420.107 as amended, that takes or receives marihuana from a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness, collects random samples, tests the marihuana for contaminants, potency, and for tetrahydrocannabinol and other cannabinoids, and returns the test results, and may return

the marihuana to a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness.

A. General Provisions.

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a marihuana safety compliance facility, and a sign shall be posted on the premises of each marihuana safety compliance facility indicating that consumption is prohibited on the premises.

2. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.

3. Any marihuana safety compliance facility shall maintain a log book and/or a database accurately identifying all transactions, current inventory, and other information by date and source. A safety compliance facility shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Security.

1. The marihuana safety compliance facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable marihuana remaining on the premises of a marihuana safety compliance facility while the marihuana safety compliance facility is not in operation shall be secured in a safe permanently affixed to the premises.

3. All marihuana shall be contained within the building in an enclosed, locked facility in accordance with the MRTMA, as amended.

C. Space Separation.

1. Unless permitted by the MRTMA, public areas of the marihuana safety compliance facility must be separated from restricted or nonpublic areas of the safety compliance facility by a permanent barrier.
2. Unless permitted by the MRTMA, no marihuana is permitted to be stored in an area accessible to the general public.

D. Nuisance Prohibited. No marihuana safety compliance facility shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the marihuana safety compliance facility is operated.

E. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a marihuana safety compliance facility.
2. Marihuana safety compliance facility uses are permitted in the Cesar Chavez, Walton Blvd., and ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay Districts.

F. Disposal of Waste.

1. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where marihuana is exposed.

G. Signage.

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.

2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.

3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.

4. No licensed marihuana safety compliance facility shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:

a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and

b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. Building Design.

1. Floors, walls and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.

2. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.

2.557 Adult-Use Marihuana Secure Transporter.

"Secure transporter" means a marihuana-related business located in the City that stores marihuana and transports marihuana between adult-use marihuana businesses for a fee. A secure transporter shall comply at all times with the MRTMA and the rules promulgated thereunder.

A. General Provisions.

1. Consumption and/or use of marihuana shall be prohibited at an establishment of a secure transporter.

2. A vehicle used by a secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana to determine compliance with all State and local laws, rules, regulations and ordinances.

3. The premises of a secured transporter located within the City shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.

4. A secure transporter licensee and each stakeholder shall not have an interest in a grower, processor, retailer, social equity retailer, Class A Microbusiness, Designated Consumption Establishment, or safety compliance facility and shall not be a registered qualifying patient or a registered primary caregiver.

5. Any secure transporter shall maintain a log book and/or database identifying each transaction by date, the amount of marihuana and the number of marihuana products being transported and the source. This log shall be available to law enforcement personnel to inspect. A secure transporter shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Secure Storage.

1. Storage of marihuana by a secure transporter shall comply with the following:
 - a. The storage facility shall not be used for any other commercial purpose.
 - b. The storage facility shall not be open or accessible to the general public.
 - c. The storage facility shall be maintained and operated so as to comply with all State and local rules, regulations and ordinances.
2. All marihuana stored within the facility shall be stored within enclosed, locked facilities in accordance with the MRTMA, as amended.

C. Sanitation. All persons working in direct contact with marihuana being stored by a secure transporter shall conform to hygienic practices while on duty, including but not limited to:

1. Maintaining adequate personal cleanliness.
2. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated.
3. Refrain from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

D. Disposal of Waste.

1. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by a person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where marihuana is exposed.

E. Transport Driver.

1. A secure transporter shall comply with all of the following:
 - a. Each driver transporting marihuana must have a chauffeur's license issued by the State.
 - b. Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this State, any other state, or the United States within the past five years.
 - c. Each vehicle shall always be operated with a two-person crew with at least one individual remaining with the vehicle during the transportation of marihuana.
2. A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement office upon request.

3. The marihuana shall be transported by one or more sealed containers and not be accessible while in transit.

4. A secure transporter vehicle shall not bear markings or other indication that it is carrying marihuana or a marihuana-infused product.

F. Signage.

1. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.

2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.

3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.

4. No licensed marihuana secure transporter shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:

a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and

b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

G. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a marihuana secure transporter use.

2. Marihuana secure transporter uses are permitted in the Cesar Chavez, Walton Blvd., and ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay Districts and in the C-1, C-2, C-3, C-4, M-1 and M-2 zoning districts outside the Adult-Use Marihuana Business Overlay Districts.

3. Marihuana secure transporters are not permitted within the same facility with other adult-use marihuana business uses.

H. Site Design

Any adult-use marihuana business seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. **Four-sided Architecture.** All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.

2. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines.

3. **Site Lighting.** An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:

- a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
- b. 0.8 LLF for Fluorescent and Sodium lamp sources.
- c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.

4. **Window and Window Coverings.** Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

a. Generally, no more than 50% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 50% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means, such as covering behind or in front of the window and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out, (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

2.558 Temporary Marihuana Event.

"Temporary Marihuana Event" means a temporary license held by a Temporary Marihuana Event Organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized to permit individuals 21 years of age and older to consume marihuana products on the premises indicated on the state license during the dates indicated on the state license.

A. General Provisions.

1. Use or consumption of alcohol shall be prohibited on the premises of a Temporary Marihuana Event, and signs shall be posted at the Temporary Marihuana Event indicating that alcohol consumption is prohibited on the premises.

2. The premises or location of the Temporary Marihuana Event shall be open for inspection and/or investigation at any time by City investigators, including City Fire Department, Building Department or other law enforcement agencies. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the event shall be suspended until Temporary Marihuana Event Organizer brings the premises into compliance.

3. Temporary Marihuana Event shall maintain a log book and/or a database identifying by date the amount of marihuana on the premises and from which particular source. A Temporary Marihuana Event shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of the Temporary Marihuana Event.

2. Temporary Marihuana Events are only permitted in the ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay District.

3. The hours of operation of a Temporary Marihuana Event shall be from 7:00 am to 10:00 pm. A single Temporary Marihuana Event may not exceed a maximum 2-day period. The total days that Temporary Marihuana Events may take place shall not exceed 4-days total in any calendar month.

4. The Temporary Marihuana Event Organizer shall submit for approval a zoning application for a Temporary Marihuana Event which shall include permission from the property owner, and provide hours of operation, detailed narrative of the event, operational plan, security and safety plan and safety measures.

5. The Temporary Marihuana Event Organizer shall submit for approval a site plan identifying pedestrian and vehicular parking areas.

2.559 Primary (Medical Marihuana) Caregiver or Caregiver.

"Primary Caregiver" or "Caregiver" means a person who is at least 21 years old and who has agreed to assist with a Qualifying patient's medical use of marihuana and who has not been convicted of any felony within the past 10 years, has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a, and holds a current and valid registration with the State of Michigan in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq. ("MMMA"), and any applicable City permit. A registered caregiver shall comply at all times complies with the MMMA, the rules promulgated thereunder, this ordinance, and applicable City ordinances. The term "Qualifying patient" means qualifying patient under the MMMA.

A. General Provisions.

1. A registered primary caregiver, operating in compliance with the MMA, the rules promulgated thereunder, the requirements of this ordinance and applicable City ordinances, shall be permitted only in zoning districts IP-1 and M-1 by special exception. The City makes the following findings in support of its determination that the regulation of primary caregivers as permitted in zoning districts IP-1 and M-1 by special exception is consistent with the purposes and intent of the MMMA:

- a. The MMMA's protections are limited to individuals suffering from serious or debilitating medical conditions or symptoms, to the extent that the individuals' marijuana use is carried out in compliance with the provisions of the MMMA, including the provisions related to the operations of registered primary caregivers.
- b. The MMMA's definition of "medical use" of marijuana includes the "transfer" of marijuana "to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition," but only if such "transfer" is performed by a registered primary caregiver who is connected with the same qualifying patient through the registration process established by the Department of Licensing and Regulatory Affairs, and who is otherwise operating in strict compliance with the MMMA and the MMMA General Rules.

- c. The MMMA provides that a registered primary caregiver may assist no more than five qualifying patients with their medical use of marijuana.
 - d. By permitting the operations of registered primary caregivers by special exception in zoning districts IP-1 and M-1, promotes the MMMA's purpose of ensuring that (i) a registered primary caregiver is not assisting more than five qualifying patients with their medical use of marijuana, and (ii) a registered primary caregiver does not unlawfully expand its operations beyond five qualifying patients, so as to become an illegal commercial grow operation.
2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a primary caregiver, and a sign shall be posted on the premises of each facility indicating that consumption is prohibited on the premises.
3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.
4. Acquisition, possession, cultivation, use, delivery or distribution of marijuana by the primary caregiver, shall be conducted indoors. A registered primary caregiver may keep and cultivate, in an "enclosed, locked facility" (as that term is defined by the MMMA), up to 12 marijuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marijuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA.
5. The primary caregiver shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana plants on the premises which shall not exceed the amount permitted under the MMMA. This log shall be available to law enforcement personnel to confirm that the primary caregiver does not have more marihuana

than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of marihuana at the facility.

6. The primary caregiver shall, at all times, comply with the MMMA and the rules and regulations of the Department of Licensing and Regulatory Affairs—Bureau of Marihuana Regulations ("LARA"), as amended from time to time.

B. Security.

1. The primary caregiver facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable marihuana remaining on the premises of a primary caregiver while the marihuana facility is not in operation shall be secured in a safe permanently affixed to the premises.

C. Space Separation.

1. Unless permitted by the MMMA, public areas of the primary caregiver facility must be separated from restricted or nonpublic areas of the primary caregiver facility by permanent barrier.

2. Unless permitted by the MMMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.

D. Nuisance Prohibited.

1. Primary caregiver facilities shall be free from infestation by insects, rodents, birds, or vermin of any kind.

2. Primary caregiver facilities shall produce no products other than usable marihuana intended for human consumption.

3. No primary caregiver facility shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the marihuana grower is operated.

E. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a primary caregiver facility.
2. Primary caregiver uses are not permitted outside the IP-1 and M-1 zoning districts.
3. Except for the primary caregiver, no other person shall deliver marijuana to the qualifying patient.

F. Disposal of Waste.

1. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where marihuana is exposed.
3. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the local Fire Department to ensure compliance with the Michigan Fire Protection Code.

G. Signage.

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.

4. No registered primary caregiver shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:

- a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
- b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. Building Design.

- 1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.
- 2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
- 3. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting, and/or watering devices that support the cultivation, growing, or harvesting of marihuana are located.

I. Site Design

Primary caregivers seeking approval from the City shall comply with the following site design standards. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

- 1. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines.
- 2. **Window and Window Coverings.** Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories

to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means, such as covering behind or in front of the window and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out, (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

Amend Article 3 Special Purpose – Zoning District is amended to add Chapter 12 Adult Use Marihuana Business Districts

3.1201 Intent.

The purpose of the Adult-Use Marihuana Business Overlay Districts is to provide for the placement of adult-use marihuana business establishments and related uses as authorized in accordance with the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and the City's Adult-Use Marihuana Business Ordinance, so as to protect the public health, safety, and welfare of residents of the City and to minimize potential adverse impacts on adjacent property owners and neighborhoods.

3.1202 Adult-Use Marihuana Business Overlay District Uses.

Except as otherwise provided or restricted by this ordinance, the City's Adult-Use Marihuana Business Ordinance and the regulations promulgated thereunder, the following adult-use marihuana business uses are authorized in the Adult-Use Marihuana Business Overlay Districts, provided the development also meets the design and building standards set forth in Section 3.1212 and Article 2, Chapter 5, Development Standards for Specific Uses:

- A. Retailer;
- B. Social Equity Retailer;
- C. Safety compliance facility;
- D. Secure transporter;
- E. Grower;
- F. Processor;
- G. Class A Marihuana Microbusiness;
- H. Designated Consumption Establishment;
- I. Temporary Marihuana Event.

3.1203 Adult-Use Marihuana Business Overlay District Permitted Accessory Uses.

- A. Off-street parking, loading and unloading as required per Section 4.307; and
- B. Any use that is not incidental to the permitted principal use.

3.1204 Adult-Use Marihuana Business Overlay District Requiring Site Plan Review.

All adult-use Marihuana business uses are subject to site plan review set forth in Section 6.202.

3.1205 Licensing.

All operators of adult-use marihuana businesses listed in Section 3.1202 must obtain State of Michigan license and applicable City of Pontiac permits, including not but limited to, adult-use marihuana businesses, building, and zoning.

3.1206 Standards for Approval.

For consideration of adult-use marihuana businesses uses by the Planning Commission, the Commission shall review each application for the purpose of determining that each adult-use marihuana business on its location will:

- A. Not impact surrounding residential neighborhoods.
- B. Provide easy access for persons with accessible parking.
- C. Be adequately served by utilities with sufficient capacity.
- D. Corridors and streets have the capacity to accommodate Adult-Use Marihuana Business Overlay District's potential increases in traffic volumes.
- E. Demonstrate a safe and secure environment and uphold the public welfare of the community.
- F. Not add unintended or impromptu costs to City and municipal services.
- G. Comply with Section 6.303, Standards for Approval.

3.1207 Adult-Use Marihuana Business Overlay District Location Description.

Adult-Use Marihuana Business Overlay District boundaries are established on the Adult-Use Marihuana Business Overlay District maps. These overlay districts are part of the City of Pontiac Zoning Map. The Adult-Use Marihuana Business Overlay District maps may be a single sheet or composed of several map sheets and shall be kept on record in the City of Pontiac Clerk and Building Safety offices.

The adult-use marihuana businesses uses permitted in the Adult-Use Marihuana Business Overlay District must meet the following requirements:

- A. **East Walton Overlay District (Overlay District 1).** All properties along Walton Blvd. and streets north of Walton Blvd., but not including areas north of Collier Road between the west side

of Telegraph Road to Fuller Street, including those contained within Overlay Map 1 for this Adult-Use Marihuana Business Overlay District.

1. Not more than eight (8) permits to operate an Adult-Use Marihuana Retailer and/or Adult-Use Marihuana Social Equity Retailer shall be awarded in this Overlay District No. 1. See Overlay Map 1 for this Adult-Use Marihuana Business Overlay District.

B. Cesar Chavez District (Overlay District 2). All properties along Cesar Chavez, starting from the Kennett Road Landfill and areas south to Cesar Chavez to W. Montcalm St.

1. Not more than seven (7) licenses to operate an Adult-Use Marihuana Retailer and/or Adult-Use Marihuana Social Equity Retailer shall be awarded in this Overlay District No. 2. See Overlay Map 2 for this Adult-Use Marihuana Business Overlay District.

C. ~~C-2~~ Downtown Overlay District (Overlay District 3). All properties within ~~C-2~~ Downtown District.

1. Not more than seven (7) permits to operate an Adult-Use marihuana retailer and/or Adult-Use Marihuana Social Equity Retailer shall be awarded in this Overlay District No. 3. See Overlay Map 3 for this Adult-Use Marihuana Business Overlay District.

2. In addition, Designated Consumption Establishments shall be limited to ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay District, with three Designated Consumption Establishments permitted north of Huron Street and three Designated Consumption Establishments permitted south of Huron Street.

D. Woodward Gateway Overlay District (Overlay District 4). All Properties located along Woodward Avenue that are depicted within Overlay Map 4 (Starting from South of Turk Street and ending at Central Avenue on the Northeast side of Woodward Avenue) and are adjacent to the M-1 (Limited Industrial) or M-2 (General Industrial) Zoning Districts.

1. Not more than two (2) licenses to operate an Adult-Use Marihuana Retailer and/or Adult-Use Marihuana Social Equity Retailer shall be awarded in this Overlay District No. 4. See Overlay Map 4 for this Adult-Use Marihuana Business Overlay District.

The overlay district is a regulatory tool to implement the establishment of adult-use marihuana businesses in the City of Pontiac. An overlay district is applied over one or more previously

established zoning districts, establishing additional or stricter regulations, standards and criteria for adult-use marihuana business uses in addition to those of the underlying zoning district.

3.1208 Buffer Distance Restrictions.

A. As measured from each property line of the adult-use marihuana business to the closest Property line of the land use described below, proximity of any proposed adult-use marihuana businesses shall not be less than:

1. One thousand (1,000) feet from an operational public or private school;
2. Five hundred (500) feet from an operational commercial childcare organization (non-home occupation) that is licensed and registered with the State of Michigan Department of Health and Human Services or its successor agency;
3. Five hundred (500) feet from a public park;
4. Except in the ~~C-2~~ Downtown Overlay District (OVERLAY No. 3). All properties within ~~C-2~~ Downtown District, in all other overlay ~~district~~districts, a proposed adult-use marihuana businesses shall not be less than Five hundred (500) feet from a religious institution that is defined as tax exempted by the Oakland County Assessor; and

B. If a parcel lot of the Adult-Use Marihuana establishment does not meet the minimum buffer distance as set forth in Section 3.1208A of this Ordinance, an Adult-Use marihuana retailer and/or Adult-Use Marihuana Social Equity Retailer shall be prohibited at that location.

3.1209 Co-Location.

A. Consistent with the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and rules promulgated by the Department, the City's Adult-Use Marihuana Ordinance, and except as other provided in the zoning ordinance, any combination of growers, processors, marihuana retailers, social equity retailers, Class A Microbusinesses, and designated consumption establishments may operate as separate adult-use marihuana businesses at the same physical location.

B. Consistent with the MRTMA and rules promulgated by the Department, applicants for class C growers permits shall be allowed to receive multiple such permits and operate under each permit in a single establishment.

3.1210 Building Design, Area, Height, Bulk, and Placement.

A. Four-sided Architecture: All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.

B. Building and design improvements must comply with the underlying zoning requirements of Article 2, Chapter 4, Private Frontage Design Standards, and the specific uses development standards outlined in Article 2, Chapter 5.

C. If the provisions of the Adult-Use Marihuana Business Overlay District are silent on building and design requirements, the requirements of the underlying district shall apply.

D. If the building and design requirements of the Adult-Use Marihuana Business Overlay District conflict with the requirements of the underlying district, then the building and design requirements of the Adult-Use Marihuana Business Overlay District shall supersede the underlying district regulations.

E. Odor shall be managed through the installation of activated carbon filters on exhaust outlets to the building exterior from any rooms used for production, processing, testing, packaging, selling, research and warehousing. Negative air pressure shall be maintained within the rooms.

F. An alternative odor control system may be approved by the Pontiac Building Official based on a report by a registered mechanical engineer licensed by the State of Michigan, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.

G. Generators must be installed to operate the air filter system in case of power outage or failure.

H. Exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited, including lighting device with intermittent fading, flashing,

blinking, rotating or strobe light illumination on any adult-use marihuana business building, structure or property.

I. Luminous tube lighting (e.g., neon, rope lighting) shall not be used to outline or frame doors, building elevators and/or windows.

J. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all building/structures (e.g., along the roof line, eaves) and on all building facades.

K. Exterior site lighting must be installed in site parking areas, egress, and ingress areas. Lighting must be compliant with Article 4, Chapter 5.

L. It shall be prohibited to display any signs that are inconsistent with State or local law, and Article 5.

M. It shall be prohibited to use the symbol or image of a marihuana leaf or the medical "green cross" symbol in any exterior building signage.

N. The following sign language is not permitted on any adult-use marihuana business building use: Marihuana, Marijuana, Cannabis, Ganja, Dope, Roach, Hash, Reefer or any other word/phrase with similar likeness.

O. Window signs that occupy not more than ten percent of the inside surface of the window area of each floor level of a business or building are permitted.

3.1211 Alternative Design Standards Applicable to Adult-Use Marihuana Retail and Social Equity Retail Establishments in Woodward Gateway Overlay District

Due to Woodward Gateway Overlay District's standing as a strategic corridor for growth and development in the City the District's status as the "Gateway" (i.e. entry) to the City of Pontiac, additional standards shall apply in this District as set forth herein to provide adequate screening from adjacent properties and maintain the character and quality of Developments located at the entryway to the City. To minimize impact on residential homes located in the District, Adult-Use Retailers and social-equity retailers in this District shall only be authorized if adjacent to the M-1 (Limited Industrial) or M-2 (General Industrial) Zoning Districts.

In the event that a design standard set forth in this section conflicts with any alternative design standards set forth in this Chapter, the design standards set forth herein shall be applied to the Woodward Gateway Overlay District. Nothing in this Section shall be construed as negating the requirement for Adult-Use Retailer and social-equity retailer establishments located in the Woodward Gateway Overlay District to comply with any regulations set forth in this Chapter that do not otherwise conflict with this Section.

For the reasons set forth herein, the additional design standards set forth in this Section shall apply to Adult-Use Marijuana Retailers and social-equity retailers located in the Woodward Gateway District:

- A. A five (5) foot bufferyard shall be maintained on all sides of the parcel and shall conform to the following standards:
 - 1. The bufferyard may be interrupted only to provide for roads or driveways for vehicular access.
 - 2. Grass, ground cover, or other suitable live plant material shall be planted over the entire bufferyard area, except that paving may be used in areas of intensive pedestrian circulation.
 - 3. A minimum of two (2) deciduous canopy trees shall be planted for each one hundred (100) lineal feet, or portion thereof, of required bufferyard length. Alternatively, one (1) deciduous canopy tree and four (4) evergreen trees shall be planted for each one hundred (100) lineal feet, or portion thereof, of required bufferyard length. Deciduous canopy trees and/or evergreen trees set forth under this Section shall meet the minimum caliper requirements as set forth under the City of Pontiac's Zoning Ordinance, Article 4, Chapter 4.
 - 4. For the purpose of determining required plant material, required bufferyard area length shall be measured along the exterior periphery of the bufferyard area.
 - 5. Parking Lot Landscaping Requirements:
 - a. Any premises having a parking lot or lots with an area of 6,000 square feet or greater shall provide landscape areas within the interior of the parking lot.
 - b. Interior landscaping shall provide coverage of 8% of the parking lot surface area.

c. Landscaped areas shall be placed within the perimeter of a parking lot. The perimeter of a parking lot is defined by placing a simple geometric shape around the external edges of the lot. Landscaping areas located in the corners or otherwise set in from the edge of the parking lot where such area would otherwise be paved are considered to be within the parking lot and may be included as a part of the required landscaping.

d. Required parking or paving setbacks, screening, bufferyard, or other landscaping required by this ordinance shall not be utilized to meet any other requirement of these landscaping provisions.

e. A minimum of 1 canopy tree, 1 understory tree, and 2 shrubs shall be installed for every 300 square feet of landscaped area.

f. The use of concrete, asphalt or other paved surface inside the required landscape areas shall be prohibited.

g. All landscaped areas shall be designed and located to standards acceptable to the Planning Commission that clearly define internal streets, traffic lanes and parking areas and maintain intersection sight distance. In addition:

1) Landscaped areas within a parking lot shall have a minimum width of 9 feet.

2) Raised concrete curbing shall be placed around the perimeter of all landscaped areas located within a parking lot. Up to two (2) gaps each of 12 inches or less are permitted per landscaped area to allow for the drainage of stormwater into landscape islands for the purposes of irrigation.

3.1212 Review Authority and Establishment.

A. The Planning Commission shall be the special exception and site plan review authority for the permitted adult-use marihuana business uses in the Adult-Use Marihuana Business Overlay Districts.

B. Adult-use marihuana business uses must be in accordance with the Special Exception permit review standards contained in Article 6, Chapter 3.

C. A special exception permit for adult-use marihuana business uses requires public notice of 500 feet from the proposed adult-use marihuana business.

D. All permitted adult-use marihuana businesses uses must be in accordance with the uses and development standards outlined in Article 2.

E. Within the Adult-Use Marihuana Business Overlay Districts all requirements of the underlying districts remain in effect, except where these regulations provide an alternative to such requirements.

Amend Article 4 Chapter 2; Section 4.206, Keeping of Household Animals or Pets.

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the IP-1 district.

Amend Article 4 Chapter 3; Section 4.303, Minimum Parking Requirements

B. Minimum Parking Required. The minimum number of off-street parking spaces shall be determined in accordance with the following Table 8. For the list of uses that are included in each category, refer to *Table 2.1* or the use definition categories in Article 7, Chapter 2.

Article 7 – Definitions - amend to Add Chapter 2 Definitions, and Chapter 3, General Definitions as follows:

Article 7 – Chapter 2 Definitions

7.202 Commercial, Office and Service Uses.

[Add] "Designated Consumption Establishment" means a licensed marihuana establishment authorized to permit individuals 21 years of age and older to consume marihuana products on the licensed commercial premises.

[Add] "Class A Microbusiness" means a licensed and City-permitted marihuana establishment authorized to operate at a single location and cultivate not more than 300 mature marihuana plants; package marihuana; purchase marihuana concentrate and marihuana-infused products from licensed marihuana processors; sell or transfer marihuana and marihuana-infused products to individuals 21 years of age and older; and transfer marihuana to a safety compliance facility for testing in accordance with MRTMA and the City's Adult-Use Marihuana Ordinance

[Add] "Marihuana Retailer" or "Social Equity Retailer" means a licensed and City-permitted marihuana establishment that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to marihuana establishments and to individuals who are 21 years of age or older in accordance with MRTMA and the City's Adult-Use Marihuana Business Ordinance.

[Amend] "Safety compliance facility" means a safety compliance facility as defined by the MRTMA and the administrative Marihuana Rules, including R 420.107 as amended, that takes or receives marihuana from a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness, collects random samples, tests the marihuana for contaminants, potency, and for tetrahydrocannabinol and other cannabinoids, and returns the test results, and may return the marihuana to a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness.

[Amend] "Secure transporter" means a marihuana-related business located in this State that stores marihuana and transports marihuana between adult-use marihuana businesses for a fee. A secure transporter shall comply at all times with the MRTMA and the rules promulgated thereunder.

7.203 Industrial Uses.

[Add] ~~C-2~~ **Downtown Adult-Use Marihuana Business Overlay District.** See Map 3.

[Add] **Cesar Chavez Adult-Use Marihuana Business Overlay District.** See Map 2.

[Amend] Grower. A commercial entity that cultivates, dries, trims, or cures, and packages marihuana for sale to a processor, or provisioning center, or marihuana retailer. As used in this ordinance, grower shall include class A growers, class B growers, and class C growers, and as further regulated by either MMFLA or MRTMA as to the number of plants that each class is authorized to grow in accordance with the grower's state license and City permit.

[Add] "Primary Caregiver" or "Caregiver". Is a person who is at least 21 years old and who acquires, possesses, cultivates, uses, delivers or distributes marihuana to treat or alleviate a debilitating medical condition and has agreed to assist with a qualified patient's medical use of marihuana, who has not been convicted of any felony within the past 10 years, has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in

section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a, and holds a current and valid registration with the State of Michigan in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq. ("MMMA"), and any applicable City permit.

[Amend] K. Processor. Commercial entity that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in package form to a provisioning center, or marihuana retailer, including social-equity retailer.

[Amend] Q. Safety Compliance Facility. A safety compliance facility as defined by the MRTMA and the administrative Marihuana Rules, including R 420.107 as amended, that takes or receives marihuana from a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness, collects random samples, tests the marihuana for contaminants, potency, and for tetrahydrocannabinol and other cannabinoids, and returns the test results, and may return the marihuana to a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness.

[Amend] S. Secure Transporter. A commercial entity located in this State that stores marihuana and transports marihuana between medical marihuana facilities for a fee, marihuana retailer, or microbusiness Class A.

[Add] Walton Blvd. Adult-Use Marihuana Business Overlay District. See Map 1.

[Add] Woodward Gateway Overlay District. See Map 4.

Article 7 – General Definitions, Chapter 3

[Add] MRTMA. The Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, being Sections 333.27951 to 333.27967 of the Michigan Compiled Laws, and the administrative rules promulgated thereunder.

[Add] Marihuana Business. Are the following adult-use marihuana establishments, whether operated for profit or not for profit: (a) grower, (b) safety compliance facility, (c) processor, (d) retailer, (e) social-equity retailer, (f) secure transporter, (g) Class A microbusiness, (h) Designated Consumption Establishment, (i) marihuana event organizer or (j) temporary marihuana event.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF PONTIAC

ORDINANCE NO. _____

ZONING ORDINANCE MAP AMENDMENT

AN ORDINANCE TO AMEND APPENDIX B OF THE MUNICIPAL CODE OF THE CITY OF PONTIAC, AMENDING ARTICLE 2, SECTION 2.103—ZONING MAP, TO CREATE FOUR (4) ADULT-USE MARIHUANA OVERLAY DISTRICTS LOCATED IN THE CITY OF PONTIAC, SPECIFICALLY TO BE KNOWN AS FOLLOWS: ADULT-USE MARIHUANA EAST WALTON OVERLAY DISTRICT, ADULT-USE MARIHUANA CESAR CHAVEZ OVERLAY DISTRICT, ADULT-USE MARIHUANA DOWNTOWN OVERLAY DISTRICT, AND ADULT-USE MARIHUANA WOODWARD GATEWAY OVERLAY DISTRICT.

THE CITY OF PONTIAC ORDAINS:

Section 1. Amendments.

That the Zoning Map of the City of Pontiac, said map being incorporated by reference in the Zoning Ordinance for the City of Pontiac pursuant to Article 2, is hereby amended, changed, and altered so that hereafter the zoning classifications for the below-described areas shall include four (4) Adult Use Marihuana Overlay Districts (AUMODs) as described herein:

- (1) Adult-Use Marihuana East Walton Overlay District (Overlay District 1). (See Map 1, below), which includes all properties along Walton Blvd. and streets north of Walton Blvd., but not including areas north of Collier Road between the west side of Telegraph Road to Fuller Street, subject to all other locational requirements and regulations on adult-use marihuana facilities set forth in the City of Pontiac Zoning Ordinance as to the East Walton Overlay District.

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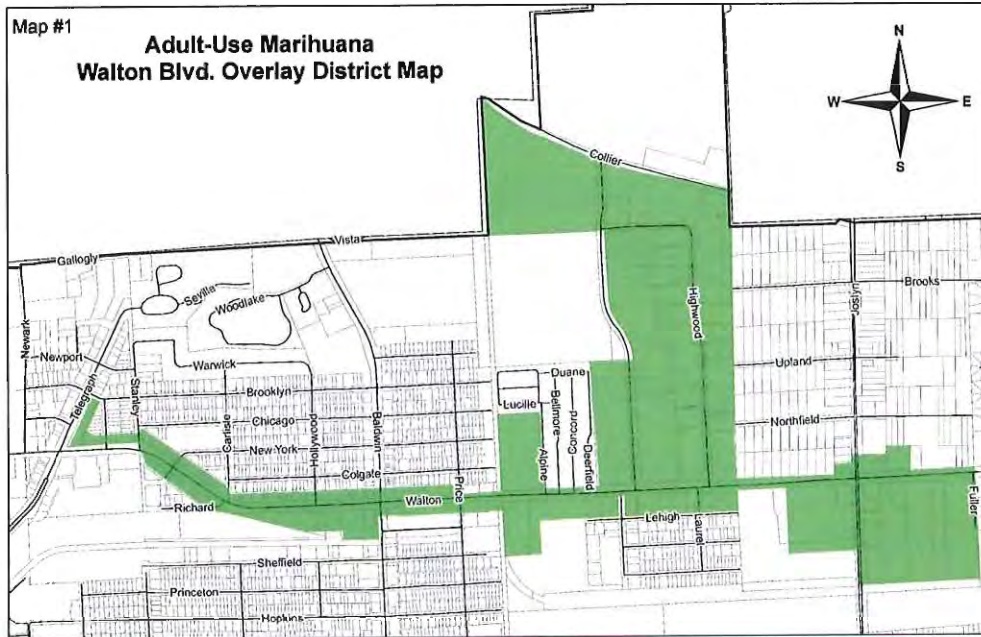
(2) Adult-Use Marihuana Cesar Chavez Overlay District (Overlay District 2). (See Map 2, below) which includes all properties along Cesar Chavez, starting from the Kennett Road Landfill and areas south to Cesar Chavez to W. Montcalm St., subject to all other locational requirements and regulations on adult-use marihuana facilities as set forth in the City of Pontiac Zoning Ordinance as to the Cesar Chavez Overlay District.

(3) Adult-Use Marihuana Downtown Overlay District (Overlay District 3). (See Map 3, below), which includes all properties within the Downtown District as depicted in Map 3, subject to all other locational requirements and regulations on adult-use marihuana facilities as set forth in the City of Pontiac Zoning Ordinance as to the Downtown Overlay District.

(4) Adult-Use Marihuana Woodward Gateway Overlay District (Overlay District 4). (See Map 4, below), which includes all Properties located along Woodward Avenue that are depicted within Overlay Map 4 (Starting from South of Turk Street and ending at Central Avenue on the Northeast side of Woodward Avenue), that are adjacent to the M-1 (Limited Industrial) or M-2 (General Industrial) Zoning Districts and subject to all other locational requirements and regulations on adult-use marihuana facilities as set forth in the City of Pontiac Zoning Ordinance as to the Woodward Gateway Overlay District.

Map #1

**Adult-Use Marihuana
Walton Blvd. Overlay District Map**



Map #2

Adult-Use Marihuana Cesar Chavez Overlay District Map



Map #3

Adult-Use Marihuana Downtown Overlay District Map



0 340 680 1,360 2,040 2,720 Feet

Map #4

Adult-Use Marihuana Woodward Avenue Overlay District Map



Section 2. Repealer and Severability.

All other parts and provisions of the Zoning Ordinance shall remain in effect, amended only as provided above. If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 3. Effective Date

The foregoing amendment to the City of Pontiac Zoning Map was approved and adopted by the City Council on _____, 2023, after a public hearing as required pursuant to the Michigan Act 110 of 2006, as amended. The Ordinance shall be effective on _____, 2023, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Map Amendment in a publication in a newspaper of general circulation in the zoning district as required by Section 401 of Act 110 of 2006, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

ORDINANCE DECLARED ADOPTED.

Tim Greimel, Mayor
City of Pontiac, Michigan

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CERTIFICATION

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The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Pontiac, County Oakland, State of Michigan, at a regular meeting of the City Council held on _____ day of _____, 2023, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

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Members Present: _____

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Members Absent: _____

It was moved by Member _____ and supported by Member _____ to adopt the Ordinance.

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Members voting yes: _____

Members voting no: _____

Members abstaining: _____

The Ordinance was declared adopted by the Mayor and has been recorded with the City of Pontiac.

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Garland Doyle, City Clerk
City of Pontiac, Michigan

ADOPTED:

PUBLISHED:

EFFECTIVE:

#3b

ORDINANCE

**Resolution of the Pontiac City Council
To Approve Zoning Ordinance Amendments to Regulate Adult-Use
Marihuana Businesses and create Designated Adult-Use Marihuana
Overlay Districts**



**Resolution to Approve Zoning Ordinance Amendments to Regulate Adult-Use Marihuana
Businesses and create three (3) Designated Adult-Use Marihuana Overlay Districts**

At a meeting of the City Council ("Council") of the City of Pontiac, County of Oakland, State of Michigan (the "City") at a meeting held on March 7, 2023, at 47450 Woodward Ave, Pontiac, MI 48342 at 6:00 p.m., there were:

PRESENT: _____

ABSENT: _____

The following preambles and resolution were offered by _____ and seconded by _____:

WHEREAS, before the City Council for consideration is an Ordinance to amend the City of Pontiac Zoning Ordinance to authorize Adult-Use Marihuana Businesses in designated overlay Districts; specifically, including the following Adult-Use Marihuana Overlay Districts (AUMODs): (1) Downtown Overlay District; (2) Cesar E. Chavez Overlay District; and (3) East Walton Overlay District.

WHEREAS, the proposed Ordinance amendments also include adoption of amendment to the City's Zoning Map to create the aforementioned AUMODs, excluding the Woodward Gateway Overlay District.

WHEREAS, the proposed Ordinance amendments also include reasonable zoning regulations on the operations of Primary Caregivers.

WHEREAS, the City Council finds it is in the best interest for the health, safety, and welfare, to approve the amendments to the Zoning Ordinance as presented without the Woodward Overlay District.

Now Therefore, Be It Resolved that the first reading of an Ordinance Amendment to the City's Zoning Ordinance, including amendments to Article 2, Article 3, Article 4, Article 7, and adoption of the amendments to the City of Pontiac Zoning Map.

A roll call vote on the foregoing resolution was taken, the result of which is as follows:

YES:

NO:

ABSTAIN:

THE RESOLUTION WAS THEREUPON DECLARED ADOPTED.

CERTIFICATION

I, the undersigned, the duly qualified and acting Clerk of the City of Pontiac, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City of Pontiac City Council at a regular meeting held on March 7, 2023, the original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with Act No. 267, Michigan Public Acts of 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.

Dated: March ____, 2023

By: _____
Its: City Clerk

CITY OF PONTIAC

ORDINANCE NO. # _____

AN ORDINANCE TO AMEND THE CITY OF PONTIAC ZONING ORDINANCE TO INCLUDE ADULT-USE MARIHUANA BUSINESSES IN DESIGNATED OVERLAY DISTRICTS AND USES TO INCLUDE:

ARTICLE 2, CHAPTER 1, SECTION 2.101, TABLE 1 ZONING DISTRICTS, SPECIAL PURPOSE ZONING DISTRICTS;

ARTICLE 2, CHAPTER 2, SECTION 2.203; SECTION 2.204; SECTION 2.205; and SECTION 2.303, TABLE 2.1-USES PERMITTED WITHIN ADULT-USE MARIHUANA OVERLAY DISTRICTS; AND PRIMARY CAREGIVERS OR CAREGIVERS USE PERMITTED IN ZONING DISTRICTS IP-1 AND MP-1 BY SPECIAL EXCEPTION;

ARTICLE 2, CHAPTER 3, SECTION 2.304; SECTION 2.305; SECTION 2.306; SECTION 2.307; SECTION 2.308; SECTION 2.309; SECTION 2.310; SECTION 2.311; SECTION 2.312; SECTION 2.313; SECTION 2.314, TO AMEND TABLE 2 REFERENCE TO TABLE 2.1

ARTICLE 2 CHAPTER 4; SECTION 2.403; TO AMEND TABLE 2 REFERENCE TO TABLE 2.1

ARTICLE 2 CHAPTER 4; SECTION 2.501; TO AMEND TABLE 2 REFERENCE TO TABLE 2.1

ARTICLE 2, CHAPTER 5 – DEVELOPMENT STANDARDS FOR SPECIFIC USES TO ADD SECTIONS 2.551 Adult-Use Marihuana Grower Establishments; 2.552 Adult-Use Marihuana Processor; 2.553 Adult-Use Marihuana Retailer; Social Equity Retailer; 2.554 Adult-Use Class A Microbusiness; 2.555 Adult-Use Marihuana Designated Consumption Establishment; 2.556 Adult-Use Marihuana Safety Compliance Facility; 2.557 Adult-Use Marihuana Secure Transporter; 2.558 Temporary Marihuana Event; AND 2.559 Primary Caregiver or Caregiver;

ARTICLE 3, SPECIAL PURPOSE ZONING DISTRICTS TO ADD CHAPTER 12 – ADULT-USE MARIHUANA BUSINESS OVERLAY DISTRICTS; AND

ARTICLE 4, SECTION 2, SECTION 4.206; TO AMEND TABLE 2 REFERENCE TO TABLE 2.1

ARTICLE 4, SECTION 3, SECTION 4.303; TO AMEND TABLE 2 REFERENCE TO TABLE 2.1

ARTICLE 7 DEFINITIONS TO ADD CHAPTER 2 AND CHAPTER 3, Article 7 – Definitions.

THE CITY OF PONTIAC ORDAINS:

Article 2, Chapters 1 and 2, Section 2.101 Table 1 and Section 2.303 Table 2, Zoning Districts to add:

Abbreviation	General Zoning Districts	Abbreviation	Special Purpose Zoning Districts
To Remain The Same	To Remain The Same	--	--
		--	--
		AUMOD	Adult-Use Marihuana Overlay District

Amend Article 2, Chapter 2, Section 2.203, Permitted Uses By District:

A. **Uses Permitted in Each District.** Except for Adult-Use Marihuana Business uses, Table 2 lists the permitted uses in each district. Table 2.1 and Table 2.2 lists the permitted Adult-Use Marihuana Business uses in each Adult-Use Marihuana Overlay Districts as defined in this ordinance. Refer to Article 7, Chapter 2 for definitions of all uses listed in the following Table 2.1 and Table 2.2. In addition, Primary Caregivers shall be permitted by special exception in IP-1 and MP-1 Zoning Districts.

B. **Development Standards Applicable to Uses.** Whenever a specific development standard is included for a particular use in Table 2.1 or Table 2.2, any development must comply with the requirements of the referenced section. All development standards are listed in Article 2, Chapter 5.

C. **Footnotes.** Refer to the footnotes to the table of permitted uses in Section 2.205. Footnotes applicable to each zoning district or category of zoning districts are listed in parentheses in the heading of Table 2.1 and Table 2.2.

D. **Special Purpose Zoning Districts Not Listed in Table 2.1.** Refer to Article 3 for the uses and development standards applicable in the special purpose zoning districts. Special purpose zoning districts are not listed in Table 2, and include the PURD Planned Unit Residential District, R-5 Manufactured Housing District, R-O Recreation-Open Space District, P-1 Parking District, G-O-T Government Office Technology District, C-C Civic Center District, MUD – Mixed Use District, TC Town Center District, and SP Special Purpose District.

Amend Article 2, Section 2, Section 2.204 Zoning District Design Standards

The following Table 2.1 lists the uses that may be permitted in each zoning district, provided that the development also meets the design and building standards set forth for each district in Chapters 3 through 6 of this O, along with all other development standards contained in this Ordinance. For instance, while multiple family apartment buildings may be permitted in various zoning districts, each zoning district will have different standards for building bulk, location, and design. The customized design standards set forth in each zoning district are tailored to the existing and intended character of each zoning district and are further intended to prevent contextually inappropriate development from occurring within the City.

Amend Article 2, Chapter 2, Section 2.205 to add Subsection **ED**:

ED. The maximum allowable number of Adult-Use Marihuana Retailers in the City of Pontiac shall be eighteen (18) and the maximum number of Adult-Use Marihuana Social Equity Retailers shall be six (6). The maximum number of Marihuana Retail permits in each Adult-Use Marihuana Overlay District (AUMOD) shall be as set forth in Table 2.2, Adult Marihuana Uses by Overlay District, Including Limits Per Overlay District.

Amend Article 2, Chapter 2, Section 2.303 Table 2.1 (Uses Permitted by District) and Table 2.2 (Adult Marihuana Uses By Overlay District).

Not more than six (6) (Marihuana) Retailers are to be located in any one of the three Downtown Adult-Use Marihuana Business Overlay Districts; Social Equity Retailers authorized by City ordinance are allowed in any one of the three (3) Downtown Adult-Use Marihuana Business Overlay Districts; not more than five (5) Class A Microbusinesses are allowed across all Adult-Use Marihuana Business Overlay Districts; and not more than six (6) Designated Consumption Establishments shall be allowed in the ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay District with three (3) Designated Consumption Establishments permitted north of Huron Street and three (3) Designated Consumption Establishments permitted south of Huron Street; Grower, Safety Compliance Facility, Secure Transporter, are allowed in the East Walton Boulevard and Cesar E. Chavez Adult-Use Marihuana Business Overlay Districts; Temporary Marihuana Events shall be allowed only in the ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay District; and Primary Caregivers or Caregivers, shall be located by special exception approval in the IP-1 and MP-1 Zoning Districts

Table 2.1 Uses Permitted by District

Commercial, Office, and Service Uses											
Residential Districts			Commercial Districts				Industrial Districts				
R-1	R-2	R-3	C-0	C-1	C-2	C-3	C-4	M-1	M-2	IP-1	
Adult-Use Marihuana Designate Consumption Lounge Establishment											Section 2.555
Adult-Use Marihuana Grower Facility											Section 2.551
Adult-Use Marihuana Class A Microbusiness											Section 2.554
Adult-Use Marihuana Processor											Section 2.552

[illegible]

Table 2.2, Adult Marihuana Uses By Overlay District, Including Limits Per Overlay District

	Downtown Overlay (District 3)	Cesar E. Chavez Overlay (District 2)	East Walton Overlay (District 1)	
Adult-Use Marihuana Designated Consumption Lounge Establishment	O 3 – N of Huron 3 – S of Huron			Section 2.555
Adult-Use Marihuana Grower Facility		O 3	O 3	Section 2.551
Adult-Use Marihuana Class A Microbusiness (across all districts)	O	O	O	Section 2.554
Adult-Use Marihuana Processor		O 3	O 3	Section 2.552

Adult-Use Marihuana Retailer	O 6	O 6	O 6	Section 2.553
Adult-Use Marihuana Social Equity Retailer	O 2	O 2	O 2	Section 2.553
Adult-Use Marihuana Safety Compliance Facility		O	O	Section 2.556
Adult-Use Marihuana Secure Transporter		O	O	Section 2.557
Adult-Use Marihuana Temporary Marihuana Event	#			Section 2.558

o = Special Exception Permit required. Applicants must have a conditionally approved Adult-Use Marihuana Business Permit from the City of Pontiac.

= Temporary Use Permitted with the Proper City of Pontiac Permitting with any necessary Building and Zoning Approvals.

Note: If a number is listed in Table 2.2, that is the maximum allowed in that overlay district. If a number is not listed, there is no limitation per Overlay District, but applicants must receive proper Adult-Use Marihuana permits from the City.

Amend Article 2 Chapter 3; Section 2.304 R-1, R-1A, R-1B One Family Dwelling Districts

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the R-1 district.

Amend Article 2 Chapter 3; Section 2.305 R-2, Two Family Dwelling Districts

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the R-2 district.

Amend Article 2 Chapter 3; Section 2.306 R-3, Multi-Family Dwelling Districts

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the R-3 district.

Amend Article 2 Chapter 3; Section 2.307 C-0, Residential Office District

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-0 district.

Amend Article 2 Chapter 3; Section 2.308 C-1, Local Business/Residential Mixed-Use District.

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-1 district.

Amend Article 2 Chapter 3; Section 2.309 C-2, Downtown Mixed-Use District

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-2 district.

Amend Article 2 Chapter 3; Section 2.310 C-3 Corridor Commercial Mixed-Use District.

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-3 district.

Amend Article 2 Chapter 3; Section 2.311 C-4 Suburban Business District.

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-4 district.

Amend Article 2 Chapter 4; Section 2.311 M-1, Limited Industrial District

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the M-1 district.

Amend Article 2 Chapter 4; Section 2.311 M-2, Limited Industrial District

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the M-2 district.

Amend Article 2 Chapter 4; Section 2.311 IP-1, Industrial Park District

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the IP-1 district.

Amend Article 2 Chapter 4; Section 2.403 Permitted Private Frontage Layouts

Table 4. Permitted Private Frontage Layouts by Zoning District

Footnote A: Community, Education, and Institution Uses listed in *Table 2.1*. Uses Permitted by District are exempt from the private frontage requirements and need only comply with the setback requirements for the zoning district in which they are located.

Amend Article 2 Chapter 4; Section 2.501 Mixed Use Building – Residential with Non-Residential

B. Permitted Uses. Non-residential uses permitted in a mixed-use building are limited to those that are permitted in the district by *Table 2.1. Uses Permitted by District*. Special exception approval is required if a particular use that is proposed within a mixed-use building is listed as a special exception use in *Table 2.1*.

Amend Article 2, Chapter 5 – Development Standards for Specific Uses is amended to add SECTIONS 2.551 Adult-Use Marihuana Grower Establishments; 2.552 Adult-Use Marihuana Processor; 2.553 Adult-Use Marihuana Retailer; Social Equity Retailer; 2.554 Adult-Use Class A Microbusiness; 2.555 Adult-Use Marihuana Designated Consumption Establishment; 2.556 Adult-Use Marihuana Safety Compliance Facility; 2.557 Adult-Use Marihuana Secure Transporter; 2.558 Temporary Marihuana Event; AND 2.559 Primary Caregiver or Caregiver:

2.551 Adult-Use Marihuana Grower Establishments.

"Adult-Use Marihuana Grower" means a licensed and City-permitted marihuana establishment that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or marihuana retailer, as defined in the Michigan Regulation and Taxation of the Marihuana Act ("MRTMA"). As used in this ordinance, growers shall include class A growers, class B growers, and class C growers.

"Class A marihuana grower" means a grower licensed to grow not more than 100 marihuana plants.

"Class B marihuana grower" means a grower licensed to grow not more than 500 marihuana plants.

"Class C marihuana grower" means a grower licensed to grow not more than 2,000 marihuana plants.

A. General Provisions.

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a marihuana grower facility, and a sign shall be posted on the premises of each facility indicating that consumption is prohibited on the premises.
2. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at

any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until the property owner or operator brings the premises into compliance.

3. All activity related to the marihuana growing shall be done indoors.

4. Any marihuana grower establishment shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana plants on the premises which shall not exceed the amount permitted under the grower license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the marihuana grower does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of marihuana at the facility. A grower establishment shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

5. The marihuana grower facility shall, at all times, comply with the MRTMA and the rules and regulations of the Department of Licensing and Regulatory Affairs—Bureau of Marihuana Regulations ("LARA"), as amended from time to time.

B. Security.

1. The marihuana grower facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable marihuana remaining on the premises of a marihuana grower while the marihuana facility is not in operation shall be secured in a safe permanently affixed to the premises.

C. Space Separation.

1. Unless permitted by the MRTMA, public areas of the marihuana grower facility must be separated from restricted or nonpublic areas of the grower facility by a permanent barrier.
2. Unless permitted by the MRTMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.

D. Nuisance Prohibited.

1. Marihuana grower establishments shall be free from Infestation by insects, rodents, birds, or vermin of any kind.
2. Marihuana grower establishments shall produce no products other than usable marihuana intended for human consumption.
3. No marihuana grower shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the marihuana grower is operated.

E. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a marihuana grower facility.
2. Marihuana grower uses are not permitted outside the Cesar Chavez and Walton Blvd. Adult-Use Marihuana Business Overlay Districts.

F. Disposal of Waste.

1. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where marihuana is exposed.

3. That portion of the structure where chemicals, such as herbicides, pesticides, and fertilizers are stored shall be subject to inspection and approval by the local Fire Department to ensure compliance with the Michigan Fire Protection Code.

G. Signage.

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed marihuana grower shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:
 - a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
 - b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. Co-Location.

1. There shall be no accessory uses permitted within the same grower establishment location, other than a processor, retailer, social equity retailer, Class A microbusiness, or designated consumption establishment, provided all said uses are in conformance with this zoning ordinance, the City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder.
2. Multiple class C licenses may be stacked in the same grower establishment as defined by the MRTMA and shall only be considered as one establishment for the purposes of this subsection. A separate application fee is required to be paid for each class C license.

I. Building Design.

1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.
2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
3. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting, and/or watering devices that support the cultivation, growing, or harvesting of marihuana are located.

J. Site Design

Grower marihuana businesses seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines.
2. **Site Lighting.** An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:
 - a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
 - b. 0.8 LLF for Fluorescent and Sodium lamp sources.

c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.

3. **Window and Window Coverings.** Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means, such as covering behind or in front of the window, and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require the Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out, (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

2.552 Adult-Use Marihuana Processor.

"Processor" means a licensed and City-permitted marihuana facility authorized to purchase or obtain marihuana from a grower establishment and who processes the marihuana and sells or transfers it in packaged form to a retailer, social equity retailer, class A microbusiness, or another processor.

A. General Provisions.

1. The processor shall comply at all times and in all circumstances with the MRTMA, and the general rules of LARA, as they may be amended from time to time.
2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a marihuana processor, and a sign shall be posted on the premises of each marihuana processor indicating that consumption is prohibited on the premises.
3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.
4. Any processor facility shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana products on the premises which shall not exceed the amount permitted under the processor license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the processor does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of marihuana at the facility. A processor shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.
5. Processor facilities shall not produce any products other than those marihuana -infused products allowed by the MRTMA and the rules promulgated thereunder.

B. Security.

1. The marihuana processor facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable marihuana, and marihuana products, remaining on the premises of a marihuana processor while the marihuana facility is not in operation shall be secured in a safe permanently affixed to the premises.

3. All marihuana, and marihuana products, shall be contained within the building in an enclosed, locked facility in accordance with the MRTMA, as amended.

C. Space Separation.

1. Unless permitted by the MRTMA, public areas of the marihuana processor facility must be separated from restricted or nonpublic areas of the processor facility by a permanent barrier.

2. Unless permitted by the MRTMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.

D. Nuisance Prohibited.

1. Processor facilities shall be free from infestation by insects, rodents, birds, or vermin of any kind.

2. No marihuana processor shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the marihuana processor is operated.

E. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a marihuana processor facility.

2. Marihuana processor uses are not permitted outside the Cesar Chavez and Walton Blvd. Adult-Use Marihuana Business Overlay Districts.

F. Disposal of Waste.

1. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where marihuana is exposed.

G. Signage.

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed marihuana processor shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:
 - a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
 - b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. Co-Location.

1. There shall be no accessory uses permitted within the same processor facility location other than those associated with a grower, adult-use marihuana retailer, social equity retailer, Class A microbusiness, or designated consumption establishment, provided all said uses are in conformance with this zoning ordinance, City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder.

2. The dispensing of marihuana at the processor facility shall be prohibited.

I. Building Design.

1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.

2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.

J. Site Design

Processor business seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines.

2. **Site Lighting.** An adult-use marihuana processor site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average

Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:

- a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
- b. 0.8 LLF for Fluorescent and Sodium lamp sources.
- c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.

3. **Window and Window Coverings.** Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means, such as covering behind or in front of the window, and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for the purpose of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking

out, ~~(by use of any color or shade)~~, or opaqueness of windows is not considered clear, transparent or translucent.

2.553 Adult-Use Marihuana Retailer; Social Equity Retailer.

"Retailer" and "Social Equity Retailer" means a licensed and City-permitted marihuana establishment that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to marihuana establishments and to individuals who are 21 years of age or older in accordance with MRTMA and the City's Adult-Use Marihuana Business Ordinance.

A. General Provisions.

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a Retailer or Social Equity Retailer, and a sign shall be posted on the premises indicating that consumption is prohibited on the premises.
2. Retailer or Social Equity Retailers shall be closed for business between the hours of ~~9~~10:00 p.m. and 7:00 a.m., with the exception of Retailer or Social Equity Retailers operating in the ~~C-2~~ Downtown Overlay District, which shall be closed for business between the hours of 2:00 am and 7:00 a.m.
3. The premises of a Retailer or Social Equity Retailer shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.
4. Any retailer or social-equity retailer shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana products on the premises which shall not exceed the amount permitted under the processor license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the processor does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful

amount of marihuana at the facility. A retailer or social-equity retailer shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Security.

1. Retailer and Social Equity Retailer shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.
2. Any usable marihuana remaining on the premises of a Retailer or Social Equity Retailer while not in operation shall be secured in a safe permanently affixed to the premises.

C. Space Separation.

1. Unless permitted by the MRTMA public areas of the Retailer or Social Equity must be separated from restricted or nonpublic areas of the retailer by a permanent barrier.
2. Unless permitted by the MRTMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.
3. Marihuana may be displayed in a sales area only if permitted by the MRTMA.

D. Nuisance Prohibited. No Retailer or Social Equity shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Marihuana Retailer is operated.

E. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a Retailer or Social Equity Retailer.
2. The number of Adult-Use Retailers and/or Adult-Use Marihuana Social Equity Retailers which may be established in each of the following Adult-Use Marihuana Business Overlay Districts shall be governed by Table 2.2 as set forth in Article 2, Chapter 2, Section 2.303:

a. **East Walton Overlay District (Overlay District 1).** All properties along Walton Blvd. and streets north of Walton Blvd., but not including areas north of Collier Road between the west side of Telegraph Road to Fuller Street, including those contained within Overlay Map 1 for this Adult-Use Marihuana Business Overlay District.

b. **Cesar Chavez District (Overlay District 2).** All properties along Cesar Chavez, starting from the Kennett Road Landfill and areas south to Cesar Chavez to W. Montcalm St.

c. ~~C-2~~ **Downtown Overlay District (Overlay District 3).** All properties within Downtown District located inside of the Woodward Avenue Loop.

3. Except as otherwise permitted by state law, and the City Adult-Use Marihuana Business Ordinance, Retailers and Social Equity Retailers are not permitted within the same locations as non-marihuana uses.

F. **Disposal of Waste.** Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

G. **Signage.**

1. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.

2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.

3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.

4. No licensed Marihuana Retailer or Social Equity Retailer shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:

a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and

- b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. **Co-Location.** There shall be no accessory uses permitted within the same Retailer or Social Equity Retailer establishment other than a grower, processor, Class A microbusiness, or designated consumption establishment, provided all said uses are in conformance with this Zoning Ordinance, City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder.

I. **Site Design.**

Retailers and Social Equity Retailers seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding neighborhoods.

1. **Four-sided Architecture.** All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.

2. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines. In the ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay Districts, only, the following additional landscaping requirements shall apply:

- a. All available areas for green space on a parcel containing an Adult-Use Retail Facility shall be covered with landscape material for 100 percent of the area.

- b. Landscaping shall be compatible with existing landscape buckets located in the Downtown Adult-Use Marihuana Business Overlay District.

3. **Site Lighting.** An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:
- a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
 - b. 0.8 LLF for Fluorescent and Sodium lamp sources.
 - c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.
4. **Drive-Throughs.** Drive throughs and drive through, walk-up window service, and curbside service shall be a prohibited use for any "Retailer" or "Social Equity Retailer" establishment.
5. **Window and Window Coverings.** Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.
- a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.
 - b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means, such as covering behind or in front of the window, and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out, (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

2.554 Adult-Use Class A Microbusiness.

"Class A Microbusiness" means a licensed and City-permitted marihuana establishment authorized to operate at a single location and cultivate not more than 300 mature marihuana plants; package marihuana; purchase marihuana concentrate and marihuana-infused products from licensed marihuana processors; sell or transfer marihuana and marihuana-infused products to individuals 21 years of age and older; and transfer marihuana to a safety compliance facility for testing in accordance with MRTMA and the City's Adult-Use Marihuana Ordinance.

A. General Provisions.

1. Class A Microbusiness shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises between the hours of 10:00 p.m. and 7:00 a.m.
2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a Class A Microbusiness, and a sign shall be posted on the premises of each Class A Microbusiness indicating that consumption is prohibited on the premises.
3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement, or Fire Marshal the operations shall be suspended until the property owner or operator brings the premises into compliance.

4. Any Class A Microbusiness shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana products on the premises which shall not exceed the amount permitted under the processor license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the processor does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of marihuana at the facility. A Class A Microbusiness shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Security.

1. Class A Microbusiness shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable marihuana remaining on the premises of a Class A Microbusiness while the Marihuana Retailer is not in operation shall be secured in a safe permanently affixed to the premises.

C. Space Separation.

1. Unless permitted by the MRTMA public areas of the Class A Microbusiness must be separated from restricted or nonpublic areas of the retailer by a permanent barrier.

2. Unless permitted by the MRTMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.

3. Marihuana may be displayed in a sales area only if permitted by the MRTMA.

D. Nuisance Prohibited. No Class A Microbusiness shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Class A Microbusiness is operated.

E. **Drive-Through.** Drive-throughs and drive-through, walk-up window service, and curbside service on the premises of a Class A Microbusiness shall not be permitted.

F. **Licensing.**

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a Class A Microbusiness.
2. Class A Microbusiness is a Special Land Use (also referred to as Special Exception under this Ordinance) and no more than five (5) Class A Microbusinesses shall be permitted by the City.
3. Except as otherwise permitted by state law, and the City's Adult-Use Marihuana Business Ordinance, Class A Microbusiness are not permitted within the same establishment location as non-marihuana uses.

G. **Disposal of Waste.** Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

H. **Signage.**

1. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed Class A Microbusiness shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:

a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and

b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

- I. **Co-Location.** There shall be no accessory uses permitted within the same Class A Microbusiness establishment location other than a grower, processor, adult-use marihuana retailer, social equity retailer, or designated consumption establishment, provided all said uses are in conformance with this Zoning Ordinance, City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder..

J. **Site Design.**

Any adult-use marihuana business seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. **Four-sided Architecture.** All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.
2. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines.
3. **Site Lighting.** An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured

at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:

- a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
- b. 0.8 LLF for Fluorescent and Sodium lamp sources.
- c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.

4. Window and Window Coverings. Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means, such as covering behind or in front of the window, and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out, (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

2.555 Adult-Use Designated Consumption Establishment.

"Designated Consumption Establishment" means a marihuana-related business authorized to permit individuals 21 years of age and older to consume marihuana and marihuana products on the licensed commercial premises located in the ~~C-2~~ Downtown Overlay District No. 3. in accordance with MRTMA and the City's Adult-Use Marihuana Ordinance.

A. General Provisions.

1. Designated Consumption Establishment shall be closed for business, and no consumption of marihuana in any form shall occur upon the premises between the hours of 2:00 a.m. and 7:00 a.m.
2. Consumption of marihuana in any form at a Designated Consumption Establishment shall occur indoors. A Designated Consumption Establishment shall post signage on any outdoor areas, including patios, decks, and green space, indicating that smoking and other consumption of marihuana is prohibited.
3. Tobacco smoking and/or alcohol shall be prohibited on the premises of a Designated Consumption Lounge Establishment, and a sign shall be posted on the premises of each Designated Consumption Lounge Establishment indicating that tobacco smoking and/or alcohol is prohibited on the premises.
4. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.
5. Any Designated Consumption Establishment shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana products on the premises which shall not exceed the amount permitted under the processor license issued

by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the processor does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of marihuana at the facility. A Designated Consumption Establishment shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Security.

1. Designated Consumption Establishment shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable marihuana remaining on the premises of a Designated Consumption Establishment while the Designated Consumption Lounge Establishment is not in operation shall be secured in a safe permanently affixed to the premises.

C. Nuisance Prohibited. No Designated Consumption Establishment shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Designated Consumption Establishment is operated.

D. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a Designated Consumption Establishment.

2. A Designated Consumption Establishment is Special Land Use and shall be limited to ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay District as identified in the City zoning ordinance and on the City Zoning Map, with three Designated Consumption Establishments permitted north of Huron Street, and three Designated Consumption Establishments permitted south of Huron Street.

3. Except as otherwise permitted by state law, and the City's Adult-Use Marihuana Business Ordinance, Designated Consumption Establishments are not permitted within the same facility locations as non-marihuana uses.

E. **Disposal of Waste.** Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

F. **Signage.**

1. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.

2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.

3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.

4. No licensed Designated Consumption Establishment shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:

a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and

b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

G. **Co-Location.** There shall be no accessory uses permitted within the same Designated Consumption Establishment location other than a grower, processor, adult-use marihuana retailer, or social equity retailer, provided all said uses are in conformance with this Zoning Ordinance, City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder.

H. Site Design.

Any adult-use marihuana business seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. **Four-sided Architecture.** All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.
2. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping as set forth in Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines. In the ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay District, only, the following additional landscaping requirements shall apply:
 - a. All available areas for green space on a parcel containing an Adult-Use Retail Facility shall be covered with landscape material for 100 percent of the area.
 - b. Landscaping shall be compatible with existing landscape buckets located in the ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay District.
3. **Site Lighting.** An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:
 - a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.

b. 0.8 LLF for Fluorescent and Sodium lamp sources.

c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.

4. **Window and Window Coverings.** Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means, such as covering behind or in front of the window and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out, (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent

2.556 Adult-Use Marihuana Safety Compliance Facility.

"Safety compliance facility" means a safety compliance facility as defined by the MRTMA and the administrative Marihuana Rules, including R 420.107 as amended that takes or receives marihuana from a licensed grower, processor, retailer, social equity retailer, or Class A

Microbusiness, collects random samples, tests the marihuana for contaminants, potency, and for tetrahydrocannabinol and other cannabinoids, and returns the test results, and may return the marihuana to licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness.

A. General Provisions.

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a marihuana safety compliance facility, and a sign shall be posted on the premises of each marihuana safety compliance facility indicating that consumption is prohibited on the premises.

2. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.

3. Any marihuana safety compliance facility shall maintain a log book and/or a database accurately identifying all transactions, current inventory, and other information by date and source. A safety compliance facility shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Security.

1. The marihuana safety compliance facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure,

off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable marihuana remaining on the premises of a marihuana safety compliance facility while the marihuana safety compliance facility is not in operation shall be secured in a safe permanently affixed to the premises.

3. All marihuana shall be contained within the building in an enclosed, locked facility in accordance with the MRTMA, as amended.

C. Space Separation.

1. Unless permitted by the MRTMA, public areas of the marihuana safety compliance facility must be separated from restricted or nonpublic areas of the safety compliance facility by a permanent barrier.

2. Unless permitted by the MRTMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.

D. Nuisance Prohibited. No marihuana safety compliance facility shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the marihuana safety compliance facility is operated.

E. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a marihuana safety compliance facility.

2. Marihuana safety compliance facility uses are permitted in the Cesar Chavez, Walton Blvd., and ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay Districts.

F. Disposal of Waste.

1. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where marihuana is exposed.

G. Signage.

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed marihuana safety compliance facility shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:
 - a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
 - b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. Building Design.

1. Floors, walls and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.
2. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.

2.557 Adult-Use Marihuana Secure Transporter.

"Secure transporter" means a marihuana-related business located in the City that stores marihuana and transports marihuana between adult-use marihuana businesses for a fee. A secure transporter shall comply at all times with the MRTMA and the rules promulgated thereunder.

A. General Provisions.

1. Consumption and/or use of marihuana shall be prohibited at an establishment of a secure transporter.
2. A vehicle used by a secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana to determine compliance with all State and local laws, rules, regulations and ordinances.
3. The premises of a secured transporter located within the City shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.
4. A secure transporter licensee and each stakeholder shall not have an interest in a grower, processor, retailer, social equity retailer, Class A Microbusiness, Designated Consumption Establishment, or safety compliance facility and shall not be a registered qualifying patient or a registered primary caregiver.
5. Any secure transporter shall maintain a log book and/or database identifying each transaction by date, the amount of marihuana and the number of marihuana products being transported and the source. This log shall be available to law enforcement personnel to inspect. A secure transporter shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Secure Storage.

1. Storage of marihuana by a secure transporter shall comply with the following:
 - a. The storage facility shall not be used for any other commercial purpose.
 - b. The storage facility shall not be open or accessible to the general public.

c. The storage facility shall be maintained and operated so as to comply with all State and local rules, regulations and ordinances.

2. All marihuana stored within the facility shall be stored within enclosed, locked facilities in accordance with the MRTMA, as amended.

C. **Sanitation.** All persons working in direct contact with marihuana being stored by a secure transporter shall conform to hygienic practices while on duty, including but not limited to:

1. Maintaining adequate personal cleanliness.
2. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated.
3. Refrain from having direct contact with marihuana if the person has or may have an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination, until the condition is corrected.

D. **Disposal of Waste.**

1. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by a person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where marihuana is exposed.

E. **Transport Driver.**

1. A secure transporter shall comply with all of the following:
 - a. Each driver transporting marihuana must have a chauffeur's license issued by the State.
 - b. Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this State, any other state, or the United States within the past five years.

- c. Each vehicle shall always be operated with a two-person crew with at least one individual remaining with the vehicle during the transportation of marihuana.
2. A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement office upon request.
3. The marihuana shall be transported by one or more sealed containers and not be accessible while in transit.
4. A secure transporter vehicle shall not bear markings or other indication that it is carrying marihuana or a marihuana-infused product.

F. Signage.

1. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed marihuana secure transporter shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:
 - a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
 - b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

G. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a marihuana secure transporter use.

2. Marihuana secure transporter uses are permitted in the Cesar Chavez, Walton Blvd., and ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay Districts and in the C-1, C-2, C-3, C-4, M-1 and M-2 zoning districts outside the Adult-Use Marihuana Business Overlay Districts.

3. Marihuana secure transporters are not permitted within the same facility with other adult-use marihuana business uses.

H. Site Design

Any adult-use marihuana business seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. **Four-sided Architecture.** All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.
2. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines.
3. **Site Lighting.** An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:
 - a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
 - b. 0.8 LLF for Fluorescent and Sodium lamp sources.

c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.

4. **Window and Window Coverings.** Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

a. Generally, no more than 50% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 50% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means, such as covering behind or in front of the window and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out, (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

2.558 Temporary Marihuana Event.

"Temporary Marihuana Event" means a temporary license held by a Temporary Marihuana Event Organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized to permit individuals 21 years of age and older to consume marihuana products on the premises indicated on the state license during the dates indicated on the state license.

A. General Provisions.

1. Use or consumption of alcohol shall be prohibited on the premises of a Temporary Marihuana Event, and signs shall be posted at the Temporary Marihuana Event indicating that alcohol consumption is prohibited on the premises.

2. The premises or location of the Temporary Marihuana Event shall be open for inspection and/or investigation at any time by City investigators, including City Fire Department, Building Department or other law enforcement agencies. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the event shall be suspended until Temporary Marihuana Event Organizer brings the premises into compliance.

3. Temporary Marihuana Event shall maintain a log book and/or a database identifying by date the amount of marihuana on the premises and from which particular source. A Temporary Marihuana Event shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

B. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of the Temporary Marihuana Event.

2. Temporary Marihuana Events are only permitted in the ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay District.

3. The hours of operation of a Temporary Marihuana Event shall be from 7:00 am to 10:00 pm. A single Temporary Marihuana Event may not exceed a maximum 2-day period. The total days that Temporary Marihuana Events may take place shall not exceed 4-days total in any calendar month.

4. The Temporary Marihuana Event Organizer shall submit for approval a zoning application for a Temporary Marihuana Event which shall include permission from the property owner, and provide hours of operation, detailed narrative of the event, operational plan, security and safety plan and safety measures.

5. The Temporary Marihuana Event Organizer shall submit for approval a site plan identifying pedestrian and vehicular parking areas.

2.559 Primary (Medical Marihuana) Caregiver or Caregiver.

"Primary Caregiver" or "Caregiver" means a person who is at least 21 years old and who has agreed to assist with a Qualifying patient's medical use of marihuana and who has not been convicted of any felony within the past 10 years, has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a, and holds a current and valid registration with the State of Michigan in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq. ("MMMA"), and any applicable City permit. A registered caregiver shall comply at all times complies with the MMMA, the rules promulgated thereunder, this ordinance, and applicable City ordinances. The term "Qualifying patient" means qualifying patient under the MMMA.

A. General Provisions.

1. A registered primary caregiver, operating in compliance with the MMA, the rules promulgated thereunder, the requirements of this ordinance and applicable City ordinances, shall be permitted only in zoning districts IP-1 and MP-1 by special exception. The City makes the following findings in support of its determination that the regulation of primary caregivers as permitted in zoning districts IP-1 and MP-1 by special exception is consistent with the purposes and intent of the MMMA:

- a. The MMMA's protections are limited to individuals suffering from serious or debilitating medical conditions or symptoms, to the extent that the individuals' marijuana use is carried out in compliance with the provisions of the MMMA, including the provisions related to the operations of registered primary caregivers.
- b. The MMMA's definition of "medical use" of marijuana includes the "transfer" of marijuana "to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition," but only if such "transfer" is performed by a registered primary caregiver who is connected with the same qualifying patient through the registration process established by the Department of Licensing and Regulatory Affairs, and who is

otherwise operating in strict compliance with the MMMA and the MMMA General Rules.

c. The MMMA provides that a registered primary caregiver may assist no more than five qualifying patients with their medical use of marijuana.

d. By permitting the operations of registered primary caregivers by special exception in zoning districts IP-1 and MP-1, promotes the MMMA's purpose of ensuring that (i) a registered primary caregiver is not assisting more than five qualifying patients with their medical use of marijuana, and (ii) a registered primary caregiver does not unlawfully expand its operations beyond five qualifying patients, so as to become an illegal commercial grow operation.

2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a primary caregiver, and a sign shall be posted on the premises of each facility indicating that consumption is prohibited on the premises.

3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.

4. Acquisition, possession, cultivation, use, delivery or distribution of marijuana by the primary caregiver, shall be conducted indoors. A registered primary caregiver may keep and cultivate, in an "enclosed, locked facility" (as that term is defined by the MMMA), up to 12 marijuana plants for each registered qualifying patient with whom the registered primary caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marijuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA.

5. The primary caregiver shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana plants on the premises which shall not

exceed the amount permitted under the MMMA. This log shall be available to law enforcement personnel to confirm that the primary caregiver does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of marihuana at the facility.

6. The primary caregiver shall, at all times, comply with the MMMA and the rules and regulations of the Department of Licensing and Regulatory Affairs—Bureau of Marihuana Regulations ("LARA"), as amended from time to time.

B. Security.

1. The primary caregiver facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable marihuana remaining on the premises of a primary caregiver while the marihuana facility is not in operation shall be secured in a safe permanently affixed to the premises.

C. Space Separation.

1. Unless permitted by the MMMA, public areas of the primary caregiver facility must be separated from restricted or nonpublic areas of the primary caregiver facility by permanent barrier.

2. Unless permitted by the MMMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.

D. Nuisance Prohibited.

1. Primary caregiver facilities shall be free from infestation by insects, rodents, birds, or vermin of any kind.

2. Primary caregiver facilities shall produce no products other than usable marihuana intended for human consumption.

3. No primary caregiver facility shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the marihuana grower is operated.

E. Licensing.

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a primary caregiver facility.
2. Primary caregiver uses are not permitted outside the IP-1 and MP-1 zoning districts.
3. Except for the primary caregiver, no other person shall deliver marijuana to the qualifying patient.

F. Disposal of Waste.

1. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where marihuana is exposed.
3. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the local Fire Department to ensure compliance with the Michigan Fire Protection Code.

G. Signage.

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.

4. No registered primary caregiver shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:
 - a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
 - b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. Building Design.

1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.
2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
3. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting, and/or watering devices that support the cultivation, growing, or harvesting of marihuana are located.

I. Site Design

Primary caregivers seeking approval from the City shall comply with the following site design standards. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines.
2. **Window and Window Coverings.** Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories

to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means, such as covering behind or in front of the window, and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out, (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

Amend Article 3 Special Purpose – Zoning District is amended to add Chapter 12 Adult Use Marihuana Business Districts

3.1201 Intent.

The purpose of the Adult-Use Marihuana Business Overlay Districts is to provide for the placement of adult-use marihuana business establishments and related uses as authorized in accordance with the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and the City's Adult-Use Marihuana Business Ordinance, so as to protect the public health, safety, and welfare of residents of the City and to minimize potential adverse impacts on adjacent property owners and neighborhoods.

3.1202 Adult-Use Marihuana Business Overlay District Uses.

Except as otherwise provided or restricted by this ordinance, the City's Adult-Use Marihuana Business Ordinance and the regulations promulgated thereunder, the following adult-use marihuana business uses are authorized in the Adult-Use Marihuana Business Overlay Districts, provided the development also meets the design and building standards set forth in Section 3.1212 and Article 2, Chapter 5, Development Standards for Specific Uses:

- A. Retailer;
- B. Social Equity Retailer;
- C. Safety compliance facility;
- D. Secure transporter;
- E. Grower;
- F. Processor;
- G. Class A Marihuana Microbusiness;
- H. Designated Consumption Establishment;
- I. Temporary Marihuana Event.

3.1203 Adult-Use Marihuana Business Overlay District Permitted Accessory Uses.

- A. Off-street parking, loading and unloading as required per Section 4.307; and
- B. Any use that is not incidental to the permitted principal use.

3.1204 Adult-Use Marihuana Business Overlay District Requiring Site Plan Review.

All adult-use Marihuana business uses are subject to site plan review set forth in Section 6.202.

3.1205 Licensing.

All operators of adult-use marihuana businesses listed in Section 3.1202 must obtain State of Michigan license and applicable City of Pontiac permits, including not but limited to, adult-use marihuana businesses, building, and zoning.

3.1206 Standards for Approval.

For consideration of adult-use marihuana businesses uses by the Planning Commission, the Commission shall review each application for the purpose of determining that each adult-use marihuana business on its location will:

- A. Not impact surrounding residential neighborhoods.
- B. Provide easy access for persons with accessible parking.
- C. Be adequately served by utilities with sufficient capacity.
- D. Corridors and streets have the capacity to accommodate Adult-Use Marihuana Business Overlay District's potential increases in traffic volumes.
- E. Demonstrate a safe and secure environment and uphold the public welfare of the community.
- F. Not add unintended or impromptu costs to City and municipal services.
- G. Comply with Section 6.303, Standards for Approval.

3.1207 Adult-Use Marihuana Business Overlay District Location Description.

Adult-Use Marihuana Business Overlay District boundaries are established on the Adult-Use Marihuana Business Overlay District maps. These overlay districts are part of the City of Pontiac Zoning Map. The Adult-Use Marihuana Business Overlay District maps may be a single sheet or composed of several map sheets and shall be kept on record in the City of Pontiac Clerk and Building Safety offices.

The adult-use marihuana businesses uses permitted in the Adult-Use Marihuana Business Overlay District must meet the following requirements:

- A. **East Walton Overlay District (Overlay District 1).** All properties along Walton Blvd. and streets north of Walton Blvd., but not including areas north of Collier Road between the west side

of Telegraph Road to Fuller Street, including those contained within Overlay Map 1 for this Adult-Use Marihuana Business Overlay District.

1. Not more than eight (8) permits to operate an Adult-Use Marihuana Retailer and/or Adult-Use Marihuana Social Equity Retailer shall be awarded in this Overlay District No. 1. See Overlay Map 1 for this Adult-Use Marihuana Business Overlay District.

B. Cesar Chavez District (Overlay District 2). All properties along Cesar Chavez, starting from the Kennett Road Landfill and areas south to Cesar Chavez to W. Montcalm St.

1. Not more than seven (7) licenses to operate an Adult-Use Marihuana Retailer and/or Adult-Use Marihuana Social Equity Retailer shall be awarded in this Overlay District No. 2. See Overlay Map 2 for this Adult-Use Marihuana Business Overlay District.

C. ~~C-2~~ Downtown Overlay District (Overlay District 3). All properties within ~~C-2~~ Downtown District.

1. Not more than seven (7) permits to operate an Adult-Use marihuana retailer and/or Adult-Use Marihuana Social Equity Retailer shall be awarded in this Overlay District No. 3. See Overlay Map 3 for this Adult-Use Marihuana Business Overlay District.

2. In addition, Designated Consumption Establishments shall be limited to ~~C-2~~ Downtown Adult-Use Marihuana Business Overlay District, with three Designated Consumption Establishments permitted north of Huron Street and three Designated Consumption Establishments permitted south of Huron Street.

The overlay district is a regulatory tool to implement the establishment of adult-use marihuana businesses in the City of Pontiac. An overlay district is applied over one or more previously established zoning districts, establishing additional or stricter regulations, standards and criteria for adult-use marihuana business uses in addition to those of the underlying zoning district.

3.1208 Buffer Distance Restrictions.

A. As measured from each property line of the adult-use marihuana business to the closest Property line of the land use described below, proximity of any proposed adult-use marihuana businesses shall not be less than:

1. One thousand (1,000) feet from an operational public or private school;
2. Five hundred (500) feet from an operational commercial childcare organization (non-home occupation) that is licensed and registered with the State of Michigan Department of Health and Human Services or its successor agency;
3. Five hundred (500) feet from a public park;
4. Except in the ~~C-2~~ Downtown Overlay District (OVERLAY No. 3). All properties within ~~C-2~~ Downtown District, in all other overlay ~~district~~districts, a proposed adult-use marihuana businesses shall not be less than Five hundred (500) feet from a religious institution that is defined as tax exempted by the Oakland County Assessor; and

B. If a parcel lot of the Adult-Use Marihuana establishment does not meet the minimum buffer distance as set forth in Section 3.1208A of this Ordinance, an Adult-Use marihuana retailer and/or Adult-Use Marihuana Social Equity Retailer shall be prohibited at that location.

3.1209 Co-Location.

A. Consistent with the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and rules promulgated by the Department, the City's Adult-Use Marihuana Ordinance, and except as other provided in the zoning ordinance, any combination of growers, processors, marihuana retailers, social equity retailers, Class A Microbusiness, and designated consumption establishments may operate as separate adult-use marihuana businesses at the same physical location.

B. Consistent with the MRTMA and rules promulgated by the Department, applicants for class C growers permits shall be allowed to receive multiple such permits and operate under each permit in a single establishment.

3.1210 Building Design, Area, Height, Bulk, and Placement.

A. Four-sided Architecture. All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.

B. Building and design improvements must comply with the underlying zoning requirements of Article 2, Chapter 4, Private Frontage Design Standards, and the specific uses development standards outlined in Article 2, Chapter 5.

C. If the provisions of the Adult-Use Marihuana Business Overlay District are silent on building and design requirements, the requirements of the underlying district shall apply.

D. If the building and design requirements of the Adult-Use Marihuana Business Overlay District conflict with the requirements of the underlying district, then the building and design requirements of the Adult-Use Marihuana Business Overlay District shall supersede the underlying district regulations.

E. Odor shall be managed through the installation of activated carbon filters on exhaust outlets to the building exterior from any rooms used for production, processing, testing, packaging, selling, research and warehousing. Negative air pressure shall be maintained within the rooms.

F. An alternative odor control system may be approved by the Pontiac Building Official based on a report by a registered mechanical engineer licensed by the State of Michigan, demonstrating that the alternative system will control odor equally or better than the required activated carbon filtration system.

G. Generators must be installed to operate the air filter system in case of power outage or failure.

H. Exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited, including lighting device with intermittent fading, flashing, blinking, rotating or strobe light illumination on any adult-use marihuana business building, structure or property.

I. Luminous tube lighting (e.g., neon, rope lighting) shall not be used to outline or frame doors, building elevators, and/or windows.

J. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all building/structures (e.g., along the roof line, eaves) and on all building facades.

K. Exterior site lighting must be installed in site parking areas, egress, and ingress areas. Lighting must be compliant with Article 4, Chapter 5.

L. It shall be prohibited to display any signs that are inconsistent with State or local law, and Article [5](#).

M. It shall be prohibited to use the symbol or image of a marihuana leaf or the medical "green cross" symbol in any exterior building signage.

N. The following sign language is not permitted on any adult-use marihuana business building use: Marihuana, Marijuana, Cannabis, Ganja, Dope, Roach, Hash, Reefer or any other word/phrase with similar likeness.

O. Window signs that occupy not more than ten percent of the inside surface of the window area of each floor level of a business or building are permitted.

3.1211 Review Authority and Establishment.

A. The Planning Commission shall be the special exception and site plan review authority for the permitted adult-use marihuana business uses in the Adult-Use Marihuana Business Overlay Districts.

B. Adult-use marihuana businesses uses must be in accordance with the Special Exception permit review standards contained in Article 6, Chapter 3.

C. A special exception permit for adult-use marihuana business uses requires public notice of 500 feet from the proposed adult-use marihuana business.

D. All permitted adult-use marihuana businesses uses must be in accordance with the uses and development standards outlined in Article 2.

E. Within the Adult-Use Marihuana Business Overlay Districts all requirements of the underlying districts remain in effect, except where these regulations provide an alternative to such requirements.

Amend Article 4 Chapter 2; Section 4.206, Keeping of Household Animals or Pets.

C. Permitted and Special Exception Uses. Refer to ~~Table-2~~ *Table 2.1* for permitted and special exception uses in the IP-1 district.

Amend Article 4 Chapter 3; Section 4.303, Minimum Parking Requirements

B. Minimum Parking Required. The minimum number of off-street parking spaces shall be determined in accordance with the following Table 8. For the list of uses that are included in each category, refer to ~~Table 2~~ *Table 2.1* or the use definition categories in Article 7, Chapter 2.

Article 7 – Definitions - amend to Add Chapter 2 Definitions, and Chapter 3, General Definitions as follows:

Article 7 – Chapter 2 Definitions

7.202 Commercial, Office and Service Uses.

[Add] "Designated Consumption Establishment" means a licensed marihuana establishment authorized to permit individuals 21 years of age and older to consume marihuana products on the licensed commercial premises.

[Add] "Class A Microbusiness" means a licensed and City-permitted marihuana establishment authorized to operate at a single location and cultivate not more than 300 mature marihuana plants; package marihuana; purchase marihuana concentrate and marihuana-infused products from licensed marihuana processors; sell or transfer marihuana and marihuana-infused products to individuals 21 years of age and older; and transfer marihuana to a safety compliance facility for testing in accordance with MRTMA and the City's Adult-Use Marihuana Ordinance

[Add] "Marihuana Retailer" or "Social Equity Retailer" means a licensed and City-permitted marihuana establishment that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to marihuana establishments and to individuals who are 21 years of age or older in accordance with MRTMA and the City's Adult-Use Marihuana Business Ordinance.

[Amend] "Safety compliance facility" means a safety compliance facility as defined by the MRTMA and the administrative Marihuana Rules, including R 420.107 as amended, that takes or receives marihuana from a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness, collects random samples, tests the marihuana for contaminants, potency, and for tetrahydrocannabinol and other cannabinoids, and returns the test results, and may return the

marihuana to a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness. [Amend] "Secure transporter" means a marihuana-related business located in this State that stores marihuana and transports marihuana between adult-use marihuana businesses for a fee. A secure transporter shall comply at all times with the MRTMA and the rules promulgated thereunder.

7.203 Industrial Uses.

[Add] ~~C-2~~ **Downtown Adult-Use Marihuana Business Overlay District.** See Map 3.

[Add] **Cesar Chavez Adult-Use Marihuana Business Overlay District.** See Map 2.

[Amend] Grower. A commercial entity that cultivates, dries, trims, or cures, and packages marihuana for sale to a processor, or provisioning center, or marihuana retailer. As used in this ordinance, grower shall include class A growers, class B growers, and class C growers, and as further regulated by either MMFLA or MRTMA as to the number of plants that each class is authorized to grow in accordance with the grower's state license and City permit.

[Add] "Primary Caregiver" or "Caregiver". Is a person who is at least 21 years old and who acquires, possesses, cultivates, uses, delivers or distributes marihuana to treat or alleviate a debilitating medical condition and has agreed to assist with a qualified patient's medical use of marihuana, who has not been convicted of any felony within the past 10 years, has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a, and holds a current and valid registration with the State of Michigan in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq. ("MMMA"), and any applicable City permit.

[Amend] K. Processor. Commercial entity that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana -infused product for sale and transfer in package form to a provisioning center, or marihuana retailer, including social-equity retailer.

[Amend] Q. Safety Compliance Facility. A safety compliance facility as defined by the MRTMA and the administrative Marihuana Rules, including R 420.107 as amended, that takes or receives marihuana from a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness, collects random samples, tests the marihuana for contaminants, potency, and for

tetrahydrocannabinol and other cannabinoids, and returns the test results, and may return the marihuana to a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness.

[Amend] S. Secure Transporter. A commercial entity located in this State that stores marihuana and transports marihuana between medical marihuana facilities for a fee, marihuana retailer, or microbusiness Class A.

[Add] Walton Blvd. Adult-Use Marihuana Business Overlay District. See Map 1.

[Add] Woodward Gateway Overlay District. See Map 4.

Article 7 – General Definitions, Chapter 3

[Add] MRTMA. The Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, being Sections 333.27951 to 333.27967 of the Michigan Compiled Laws, and the administrative rules promulgated thereunder.

[Add] **Marihuana Business.** Are the following adult-use marihuana establishments, whether operated for profit or not for profit: (a) grower, (b) safety compliance facility, (c) processor, (d) retailer, (e) social-equity retailer, (f) secure transporter, (g) Class A microbusiness, (h) Designated Consumption Establishment, (i) marihuana event organizer or (j) temporary marihuana event.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF PONTIAC

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ORDINANCE NO. _____

ZONING ORDINANCE MAP AMENDMENT

AN ORDINANCE TO AMEND APPENDIX B OF THE MUNICIPAL CODE OF THE CITY OF PONTIAC, AMENDING ARTICLE 2, SECTION 2.103—ZONING MAP, TO CREATE THREE (3) ADULT-USE MARIHUANA OVERLAY DISTRICTS LOCATED IN THE CITY OF PONTIAC, SPECIFICALLY TO BE KNOWN AS FOLLOWS: ADULT-USE MARIHUANA EAST WALTON OVERLAY DISTRICT; ADULT-USE MARIHUANA CESAR CHAVEZ OVERLAY DISTRICT; AND ADULT-USE MARIHUANA DOWNTOWN OVERLAY DISTRICT.

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THE CITY OF PONTIAC ORDAINS:

Section 1. Amendments.

That the Zoning Map of the City of Pontiac, said map being incorporated by reference in the Zoning Ordinance for the City of Pontiac pursuant to Article 2, is hereby amended, changed, and altered so that hereafter the zoning classifications for the below-described areas shall include three (3) Adult Use Marihuana Overlay Districts (AUMODs) as described herein:

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- (1) Adult-Use Marihuana East Walton Overlay District (Overlay District 1). (See Map 1, below), which includes all properties along Walton Blvd. and streets north of Walton Blvd., but not including areas north of Collier Road between the west side of Telegraph Road to Fuller Street, subject to all other locational requirements and regulations on adult-use marihuana facilities set forth in the City of Pontiac Zoning Ordinance as to the East Walton Overlay District.

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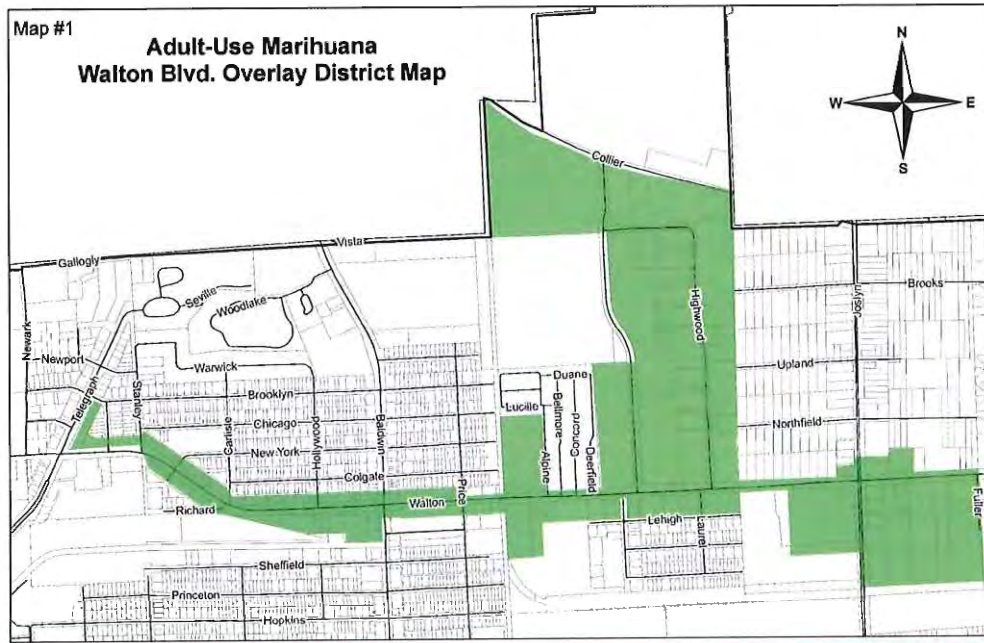
(2) Adult-Use Marihuana Cesar Chavez Overlay District (Overlay District 2), (See Map 2, below) which includes all properties along Cesar Chavez, starting from the Kennett Road Landfill and areas south to Cesar Chavez to W. Montcalm St., subject to all other locational requirements and regulations on adult-use marihuana facilities as set forth in the City of Pontiac Zoning Ordinance as to the Cesar Chavez Overlay District.

(3) Adult-Use Marihuana Downtown Overlay District (Overlay District 3), (See Map 3, below), which includes all properties within the Downtown District as depicted in Map 3, subject to all other locational requirements and regulations on adult-use marihuana facilities as set forth in the City of Pontiac Zoning Ordinance as to the Downtown Overlay District.

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Map #1

**Adult-Use Marihuana
Walton Blvd. Overlay District Map**



Map #2

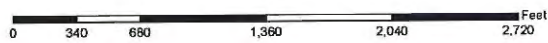
Adult-Use Marihuana Cesar Chavez Overlay District Map



0 500 1,000 2,000 3,000 4,000 Feet

Map #3

Adult-Use Marihuana Downtown Overlay District Map



Section 2. Repealer and Severability.

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All other parts and provisions of the Zoning Ordinance shall remain in effect, amended only as provided above. If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 3. Effective Date

The foregoing amendment to the City of Pontiac Zoning Map was approved and adopted by the City Council on _____, 2023, after a public hearing as required pursuant to the Michigan Act 110 of 2006, as amended. The Ordinance shall be effective on _____, 2023, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Map Amendment in a publication in a newspaper of general circulation in the zoning district as required by Section 401 of Act 110 of 2006, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

ORDINANCE DECLARED ADOPTED.

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Tim Greimel, Mayor

City of Pontiac, Michigan

CERTIFICATION

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The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Pontiac, County Oakland, State of Michigan, at a regular meeting of the City Council held on _____ day of _____, 2023, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

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Members Present: _____

Members Absent: _____

It was moved by Member _____ and supported by Member _____ to adopt the Ordinance.

Members voting yes: _____

Members voting no: _____

Members abstaining: _____

The Ordinance was declared adopted by the Mayor and has been recorded with the City of Pontiac.

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Garland Doyle, City Clerk
City of Pontiac, Michigan

ADOPTED:

PUBLISHED:

EFFECTIVE:

#4

ORDINANCE

CITY OF PONTIAC
ORDINANCE NO. # _____

AN ORDINANCE TO ALLOW ADULT-USE MARIHUANA ESTABLISHMENTS TO OPERATE IN THE CITY OF PONTIAC PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, INITIATED LAW 1 OF 2018, MCL 333.27951 ET SEQ.; TO PROVIDE FOR STANDARDS AND PROCEDURES TO PERMIT AND REGULATE ADULT-USE MARIHUANA ESTABLISHMENTS; TO PROVIDE FOR THE IMPOSITION OF PERMIT APPLICATION FEES AND RENEWAL FEES; AND TO IMPOSE CONDITIONS FOR THE OPERATION OF ADULT-USE MARIHUANA ESTABLISHMENTS.

THE CITY OF PONTIAC ORDAINS;

ARTICLE _____, ADULT-USE MARIHUANA BUSINESS LICENSING

Sec. 01. Title.

The title of this ordinance shall be the "City of Pontiac Adult-Use Marijuana Business Ordinance."

Sec. 02. Purpose and Intent.

A. Purpose. The purpose of this Ordinance is to establish standards and procedures for the issuance, regulation, renewal, suspension, and revocation of business licenses for adult-use marijuana establishments in accordance with the Michigan Regulation and Taxation of Marijuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") so as to protect the public health, safety, and welfare of residents of the City by setting forth the manner in which adult-use marijuana businesses can be operated in the City. Further the purpose of this Ordinance is to:

(1) Protect the health, welfare and safety of the public through reasonable regulations on adult-use marijuana business operations as it relates to noise, odor, air and water quality, food safety, public safety, security for the establishments and its personnel, and other health and safety concerns;

(2) Protect residential zoned properties and neighborhoods by limiting the location and the concentration of types of Marijuana Businesses to specific areas of the City;

(3) Establish application and license fees to defray and recover the City's costs for administering and enforcing this ordinance;

(4) Recognize that the City of Pontiac has been identified by the State of Michigan's Cannabis Regulatory Agency as a city that has been disproportionately impacted by marijuana prohibition and enforcement and that social equity in the marijuana industry is necessary to address the historical disproportionate impact of marijuana prohibition and enforcement upon Pontiac residents and to positively impact the Pontiac community;

(5) Minimize the adverse effects from growing, processing, dispensing and storage of marijuana;

(6) Minimize the adverse effects from excessive consumption and use of marijuana;

(7) Coordinate with state laws and regulations addressing Marijuana Businesses; and

(8) To restrict the issuance of Marijuana Business permits only to those individuals and entities that demonstrate an intent and ability to fully comply with this Ordinance and the laws of the City and the State of Michigan.

B. Legislative Intent. This ordinance authorizes the establishment of adult-use marijuana businesses within the City of Pontiac consistent with the provisions of MRTMA, subject to the following:

(1) Use, distribution, cultivation, production, possession, and transportation of marijuana remains illegal under federal law, and marijuana remains classified as a "controlled substance" by federal law. Nothing in this ordinance is intended to promote or condone the production, distribution, or possession of marijuana in violation of any applicable law. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under state or federal law. This ordinance does not protect the owners of properties on which a marijuana commercial operation is occurring from prosecution or from having their property seized by federal law enforcement authorities.

(2) This ordinance is to be construed to protect the public health, safety and welfare over commercial adult-use marijuana business interests. The operation of a permitted adult-use marijuana business in the City is a revocable privilege and not a right in the City. Nothing in this ordinance is to be construed to grant a property right for an individual or business entity to engage, obtain, or have renewed a City-issued permit to engage in the use, distribution, cultivation, production, possession, transportation or sale of adult-use marijuana as a commercial enterprise

In the City. The City determines that the commercialization of marijuana is a "closely regulated industry" as that term is used in U.S. Supreme Court jurisprudence.

(3) Any individual or business entity which purports to have engaged in the use, distribution, cultivation, production, possession, transportation or sale of marijuana as a commercial enterprise in the City without obtaining the required authorization required by this ordinance is deemed to be an illegally established nuisance, and as such is not entitled to legal nonconforming status under this ordinance, the City zoning ordinance, or state statutory or common law.

(4) Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marijuana in any form that is not in strict compliance with the MRTMA and the Marijuana Tracking Act, and all applicable administrative rules promulgated by the State of Michigan regarding the commercialization of marijuana. Strict compliance with all applicable state laws and regulations is a requirement for the issuance or renewal of any permit issued under this ordinance, and noncompliance with any applicable state law or regulation is grounds for the revocation or nonrenewal of any permit issued under this ordinance.

C. Indemnification of the City.

(1) By accepting a permit issued pursuant to this ordinance, the holder waives and releases the City, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of marijuana business owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

(2) By accepting a permit issued pursuant to this ordinance, the holder agrees to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of any claim of diminution of property value by a property owner whose property is located in proximity to a licensed operating marijuana business arising out of, claimed to have arisen out of, or in any manner connected with the operation of a marijuana business or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1964(c).

D. Reservation.

(1) The City of Pontiac shall not waive or constrain, in any manner, the right and prerogative of the City of Pontiac to reject any and all applications, to reject an application not accompanied with the required documentation or data required by the application, or to reject an application which is any way incomplete, irregular, not responsive or not responsible.

(2) The City of Pontiac shall not waive or constrain, in any manner, the right and prerogative of the City of Pontiac to amend or repeal this ordinance in any manner, including, but not limited to, the complete prohibition of any type of adult-use marijuana business or limiting the number and types of adult-use marijuana businesses authorized to operate in the City.

(3) Nothing in this ordinance is to be construed to grant or grandfather any marijuana business a vested right, license, permit or privilege for continued operations within the City.

Sec. 03. Definitions.

Unless defined by this ordinance, any term used in this Section that is defined by the MRTMA, or the Administrative Rules promulgated by the Michigan Department of Licensing and Regulatory Affairs addressing marijuana shall have the definition given in MRTMA and in the Rules.

As used in this Section, the following terms shall have the meanings indicated:

"Applicant" means a person who applies for a City-issued permit to operate a Marijuana Business in accordance with the terms of this Ordinance and the City zoning ordinance. With respect to disclosures in an application for a permit issued pursuant to this Ordinance for purposes of ineligibility for a permit and the transfer of an interest in an issued permit, the term "applicant" includes a managerial employee of the applicant, any person who holds any direct or indirect ownership interest in the Marijuana Business, and the following true parties of interest for each type of applicant:

- (1) For an individual or sole proprietorship: the proprietor and spouse.
- (2) For a partnership and limited liability partnership: all partners and their spouses.
- (3) For a limited partnership and limited liability limited partnership: all general and limited partners, and their spouses.

- (4) For a limited liability company: all members and managers, and their spouses.
- (5) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, and their spouses.
- (6) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, and their spouses.
- (7) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive gross or net profits from the enterprise during any full or partial calendar or fiscal year.
- (8) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.
- (9) For a trust: all trustees, any individual or body able to control and direct affairs of the trust, and any beneficiary who receives or has the right to receive the gross or net profit distributions of the trust during any full or partial calendar or fiscal year, and their spouses.

"Application" means the form(s) provided by the City, accompanied with the nonrefundable application fee per each permit requested.

"City" means the City of Pontiac, Michigan.

"Class A marijuana grower" means a grower licensed to grow not more than 100 marijuana plants.

"Class A Microbusiness" means a marijuana establishment authorized to operate at a single location and cultivate not more than 300 mature marijuana plants; package marijuana; purchase marijuana concentrate and marijuana-infused products from licensed marijuana processors; sell or transfer marijuana and marijuana-infused products to individuals 21 years of age and older; and transfer marijuana to a safety compliance facility for testing.

"Class B marijuana grower" means a grower licensed to grow not more than 500 marijuana plants.

"Class C marijuana grower" means a grower licensed to grow not more than 2,000 marijuana plants.

"Co-Locate" or "Co-Location" means any combination of growers, processors, retailers, social equity retailers, designated consumption, and Class A microbusiness establishments that may operate as separate marijuana businesses at the same physical location.

"Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marijuana plant by manual or mechanical means.

"Department" means the State of Michigan Department of Licensing and Regulatory Affairs (LARA), including without limitation, the Cannabis Regulatory Agency, or its successor agency.

"Designated Consumption Establishment" means a marijuana-related business authorized to permit individuals 21 years of age and older to consume marijuana products on the licensed commercial premises located in the C-2 Downtown Overlay District No. 3.

"Disqualifying conviction" means a conviction that makes an applicant ineligible to receive a license under MRTMA and the Rules.

"Equivalent License" means any of the following state operating licenses when held by a single licensee:

- (1) Grower licenses of any class under both the Medical Marijuana Facilities Licensing Act, MCL 333.27101 et. seq. ("MMFLA") and MRTMA.
- (2) Processor licenses under both the MMFLA and MRTMA.
- (3) Secure transporter licenses under both the MMFLA and MRTMA.
- (4) Safety compliance facility licenses under both the MMFLA and MRTMA.
- (5) A provisioning center license under the MMFLA and a retailer establishment license under the MRTMA.

"Grower" means a licensee establishment that cultivates, dries, trims, or cures and packages marijuana for sale or transfer to a processor, retailer, or another grower.

"Industrial Hemp" means the term as defined at MCL 333.27953 (c).

"License" means a license that is issued by the Department under MRTMA that allows the licensee to operate an adult-use marijuana establishment in the City.

"Marihuana" means the term as defined at MCL 333.27953. For purposes of this Ordinance marijuana does not include industrial hemp.

"Marihuana accessories" means the term as defined at MCL 333.27953 (g).

"Marihuana concentrate" means the resin extracted from any part of the plant of the genus *cannabis*.

"Marihuana Business" means the following adult-use marijuana establishments, whether operated for profit or not for profit: (a) grower, (b) safety compliance facility, (c) processor, (d) retailer, (e) social-equity retailer, (f) secure transporter, (g) Class A microbusiness, (h) designated consumption establishment, (i) marijuana event organizer or (j) temporary marijuana event.

"Marihuana establishment" means a location at which a permittee is permitted to operate under this Ordinance and MRTMA.

"Marihuana Event Organizer" means a person licensed to apply for a temporary marijuana event license.

"Marihuana-Infused Product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marijuana and other ingredients and that is intended for human consumption.

"Marihuana Tracking Act" or "MTA" means Public Act 282 of 2016, MCL 333.27901, et seq., as amended and all future amendments.

"Michigan Regulation and Taxation of Marijuana Act" or "MRTMA" means, Initiated law 1 of 2018, MCL 333.27951, et seq., as amended and all future amendments.

"Permit" means the permit issued pursuant to this ordinance authorizing the operation of a Marijuana Business in the City.

"Permittee" means a person who receives and holds a permit to operate a Marijuana Business issued by the City under this ordinance.

"Person" means an individual, sole proprietorship, partnership, limited partnership, limited liability limited partnership, corporation, limited liability company, trust, or other legal entity, and includes persons within the definition of "applicant" as that term is used in this Ordinance.

"Processor" means a person licensed to purchase or obtain marijuana from a grower establishment and who processes the marijuana and sells or transfers it in packaged form to a retailer, class A microbusiness, or another processor. A processor is not prohibited from handling, processing, marketing or brokering industrial hemp pursuant to the Industrial Hemp Research and Development Act.

"Retailer" means a licensee that obtains marijuana from marijuana establishments and sells or otherwise transfers marijuana to marijuana establishments and to individuals who are 21 years of age or older in accordance with MRTMA.

"Rules" means the unified administrative rules promulgated and from time to time amended by the Department to implement the MMFLA and MRTMA.

"Safety Compliance Facility" means a person licensed to test marijuana, including certification for potency and the presence of contaminants.

"Secure Transporter" means a person licensed to obtain marijuana from marijuana establishments in order to transport marijuana to marijuana establishments.

"School" means and includes buildings and grounds used for school purposes to provide instruction to children and youth in grades pre-kindergarten through 12 by a public, private, denominational, or parochial school.

"Social Equity-Qualified Business" mean a marijuana establishment operated by an applicant that qualifies for the benefits offered under the social equity program administered by either the Department or the City.

"Stakeholder" means, with respect to a trust, the trustee and beneficiaries; with respect to a limited liability company, all members and managers; with respect to a corporation, whether profit or non-profit, all stockholders, directors, corporate officers or persons with equivalent titles; and with respect to a partnership or limited liability partnership, all general and limited partners.

"State" means the State of Michigan.

"State Operating License" means a license that is issued by the Department under MRTMA that allows the licensee to operate an adult-use marijuana establishment, as specified in the license.

"Temporary Marijuana Event" means a license held by a marijuana event organizer for an event where the onsite sale or consumption of marijuana products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license.

Sec. 04. Creation of Marijuana Business Commission; Composition; Quorum

(a) There is hereby created a Marijuana Business Commission. There shall be four (4) members of the Marijuana Business Commission. The membership shall elect from among its members a chairman, vice-chairman, and secretary.

(b) A quorum of the Marijuana Business Commission shall consist of three (3) members.

Sec. 05. Marijuana Business Commission Membership; Qualifications; Term; Vacancies; Compensation.

(a) Members of the Marijuana Business Commission shall be residents of the city, and shall be chosen so far as reasonably practicable in such a manner as to represent a cross-section of the community.

(b) Members of the Marijuana Business Commission shall be appointed by the mayor to serve at the pleasure of the mayor for a term of three (3) years. Reappointment of a member to serve an additional consecutive term is subject to council approval.

(c) If a vacancy occurs on the Marijuana Business Commission, the mayor shall appoint a new member to fill the vacancy.

(d) Members of the Marijuana Business Commission shall serve without pay.

Sec. 06. Marijuana Business Commission Powers and Duties.

The Marijuana Business Commission shall review and decide all appeals that are forwarded to it by the clerk under this ordinance. The Marijuana Business Commission shall review all appeals de novo. The Marijuana Business Commission shall only overturn a decision or finding of the clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material,

substantial, and competent facts on the whole record considered by the clerk in arriving at such decision or finding.

Sec. 07. Marihuana Business Commission Rules and Regulations; Meetings.

(a) The Marihuana Business Commission shall adopt such rules and regulations as it deems necessary to govern its proceedings and deliberations,

(b) The rules and regulations adopted by the Marihuana Business Commission shall be subject to approval by the council.

(c) The Marihuana Business Commission shall maintain a written record of its proceedings and actions which shall be available for public inspection, showing the action of the commission and the vote of each member upon each question considered. All meetings of the commission shall be held in conformance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15,261 to 15,275 of the Michigan Compiled Laws.

Sec. 08. Marihuana Business Rules and Regulations.

(a) In addition to the Rules promulgated by the Department and the statutes of the State of Michigan, the operations of a Marihuana Business shall be conducted in accordance with the provisions of this ordinance and the City Code of Ordinances, including the zoning ordinance,

(b) Retailer establishments and Social Equity Retailer establishments located outside of the C-2 Downtown Adult-Use Marihuana Business Overlay District shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises, between the hours of 10:00 p.m. and 7:00 a.m.

(c) Delivery of a marihuana product for sale or transfer to marihuana customers by Retailer Establishments and Social Equity Retailer Establishments is permitted in strict compliance with Department Rules.

(d) Drive-thru windows at Retailer Establishments and Social Equity Retailer Establishments are prohibited.

Sec. 09. Licensing of Adult-Use Marihuana Businesses.

(a) Number of permitted adult-use Marihuana Businesses.

Type of Establishment

Grower	No limit
Processor	No limit
Secure transporter	No limit
Retailer	18
Social Equity Retailer	6
Class A Microbusiness	5
Safety compliance facility	No limit
Designated Consumption Establishment-North of Huron Street	3
Designated Consumption Establishment-South of Huron Street	3
Marihuana event organizer	No limit
Temporary marihuana event	No limit

Sec. 10. City Marihuana Business Permit and Annual Fee Required.

(a) No person shall establish or operate a Marihuana Business located in the City without first meeting all of the requirements set forth in this Ordinance, obtaining a permit from the City Clerk, and obtaining a State Operating License. Permits and State Operating Licenses shall be kept current and publicly displayed within the business. Failure to maintain or display current state licenses and City permits is a violation of this ordinance. A Marihuana Business operating without a City permit under this Ordinance or without a State license is declared to be a public nuisance.

(b) There shall be an initial application fee of \$5,000.00 and an annual nonrefundable renewal of permit fee of \$5,000.00 to defray the administrative and enforcement costs associated with marihuana businesses located in the City.

(c) The City permit fee requirement set forth in this ordinance shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by the Department and any other state regulatory agency, or by City ordinance, including, by way of example, and not limited to, any applicable fees for site plan review, zoning review, inspections, or building permits.

(d) A separate permit is required for each Marihuana Business located at a premises from which an adult-use marihuana commercial business is operated. Operation of a grower, processor, retailer establishment or social equity retailer establishment, Class A microbusiness, and

designated consumption establishment at the same location is authorized, provided that each establishment is separately licensed and permitted. Operation of a retailer establishment or social equity retailer establishment, Class A microbusiness and a designated consumption establishment at the same location as a grower or processing establishment facility is authorized when in conformity with the City zoning ordinance.

(e) Within thirty (30) days of approval of the applicant's application, the applicant will start all necessary requirements as required by the City to obtain their certificate of occupancy, including, without limitation, complying with all applicable building department, fire department, code and inspection requirements, including the approval of the site plan.

(f) All Marijuana Business permits shall be effective for one (1) year of its original date of issuance by the City and must be renewed annually.

(g) The conditional permittee has one (1) year to complete its site plan upon the approval of the issuance of the Marijuana Business conditional permit. The Community Development Director may extend the completion of the site plan up to an additional six months, provided the applicant demonstrates good cause for the extension.

Sec. 11. Location Criteria.

- (a) No marijuana business is eligible to receive a permit unless at the time the application for the marijuana business operating permit is submitted, the location of the proposed business operation complies with the requirements set forth in the City zoning ordinances as required for the specific type of marijuana commercial business for which the permit is being sought. No Adult-Use Marijuana Retailers shall be permitted outside of the Adult-Use Marijuana Business Overlay Districts, as set forth in the City zoning ordinance, as amended.
- (b) Mobile marijuana businesses and limited contact transaction operations, except for curbside service in a designated area at a marijuana sales location in compliance with applicable Department-issued rules and the City zoning ordinance, are prohibited.
- (c) A permittee shall not operate a marijuana business at any location in the City other than at the address provided in the application on file with the City Clerk.

Sec. 12. General Permit Application Requirements.

(a) An applicant seeking a permit pursuant to the provisions of this ordinance and license by the state under MRTMA must submit an application in writing to the City Clerk on forms provided by the City Clerk. At the time of application, the application must be accompanied by a nonrefundable application fee of \$5,000.00 to defray the costs incurred by the City for processing of the application. In addition, the applicant shall present copies of government-issued photographic identification to accompany the application.

(b) An application shall be complete and made under the penalty of perjury and shall contain all of the following:

(1) The applicants, all of its stakeholders, and the proposed manager's full name, date of birth, residential and business address, email address, and telephone numbers including emergency contact information, and a copy of a government-issued photographic identification card of the applicant and all stakeholders;

(a) If the applicant is an individual or sole proprietorship, the proprietor and their spouse, if any, shall provide their name, address, date of birth, business address, business telephone number, email address, social security number, and, if applicable, federal tax identification (EIN) number.

(b) If the applicant is not an individual or sole proprietorship, the applicant shall provide information regarding the business entity, including, without limitation, the name and address of the entity, website address (if any), type of business organization, proof of registration with, or a certificate of good standing from, the State of Michigan, or other state or foreign jurisdiction, as applicable, and the names, dates of birth, residential and business addresses, email addresses, phone numbers of each applicant, each stakeholder and their spouses, and the federal tax identification number of the business entity.

(2) The identity of every person having an ownership or beneficial interest in the applicant with respect to which the license is sought, including the ownership structure of the entity that identifies the ownership percentage held by each stakeholder; provided, however, a social equity-qualified business entity who is an applicant must be able to demonstrate

51% or more ownership by qualifying social-equity applicants, including ownership structure of the entity that identifies the ownership percentage held by each stakeholder,

(3) If the applicant is not an individual, the articles of incorporation or organization, federal tax identification number and confirmation letter, and the limited liability company's operating agreement, the corporation's shareholder agreement and bylaws, and the partnership agreement for a partnership or limited partnership, as applicable.

(4) A copy of the applicant's notice of prequalification status issued by the Department to operate an adult-use marijuana establishment. If the applicant does not have adult-use prequalification status from the Department, the application will not be processed by the City.

(5) The name and address of the proposed Marijuana Business and any additional contact information deemed necessary by the City Clerk, including the following:

(a) A copy of the deed reflecting the applicant's ownership of the proposed permitted premises, or a purchase agreement or option to purchase the proposed permitted premises as applicable; or

(b) A copy of the lease reflecting the right of the applicant to possess, or an agreement or option reflecting the applicant's right to lease, the proposed permitted premises, and a notarized statement from the owner of such property authorizing the use of the property for a marijuana business as applicable.

(6) For the applicant and every stakeholder, affirmation that each is at least 21 years of age.

(7) A criminal history background report of the applicant's criminal history from the Internet Criminal History Access Tool (ICHAT) or a Michigan State Police criminal history report for applicants residing in Michigan. For applicants who reside in any other state, federal or foreign jurisdiction, or who have resided in any other state, federal or foreign jurisdiction within 5 years prior to the date of the application provide a certified state, federal or foreign jurisdiction sponsored or authorized criminal history report. The applicant is responsible for all charges incurred in requesting and receiving the criminal

history report and the report must be dated within thirty (30) days of the date of the application.

(8) Written consent authorizing the City to obtain a criminal history report from the Michigan State Police, the Federal Bureau of Investigation, or other applicable state, federal or foreign jurisdiction law enforcement or police agency, to ascertain whether the applicant and stakeholders have any disqualifying convictions or convictions involving dishonesty, theft, fraud, or controlled substances,

(9) A current organization chart that includes position descriptions and the names of each person holding such position, which shall include date of birth, address, copy of photo identification, and email address for any operator, manager, or employee if other than the applicant.

(10) A complete list of all marijuana related business permits and licenses held by applicant.

(11) An attested disclosure whether the applicant or operator has ever had a business license revoked or suspended, and if revoked or suspended, the reason for such revocation or suspension and copies of the orders of revocation or suspension.

(12) An attestation that no applicant or stakeholder is ineligible from holding a state license to operate a marijuana commercial business.

(13) An attestation that the applicant consents to inspections, examinations, searches and seizures required or undertaken pursuant to enforcement of this ordinance.

(14) A statement that no applicant is in default to the City for any property tax, special assessment, utility charges, fines, fees or other financial obligation owed to the City.

(15) For the applicant and for each stakeholder a resume that includes a business history and any prior experience with a marijuana-related business.

(16) The proposed business plan of the applicant, which shall include without limitation, the following:

(a) A description of the type of the proposed adult-use marijuana commercial operation and its physical address; and

(b) A staffing plan which describes the anticipated or actual number of employees, including an estimate of the number and type of jobs that the business is expected to create, a proposed living wage or salary (at least 200 percent of the Federal Poverty Level for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, and a health and welfare benefits package to be paid for such jobs, unless otherwise prohibited by state law, and the goals and objectives to recruit, hire and promote residents of the City; and

(c) A staff training and education plan that the applicant will provide to employees; and

(d) The financial structure, source of financing, development and build-out budget and projected initial operating budget of the proposed Marijuana Business; and

(e) Short and long-term goals and objectives; and

(f) An explanation, with supporting factual data, of the economic benefits to the City and the job creation for local residents to be achieved by the establishment facility, a proposed living wage or salary (at least 200 percent of the Federal Poverty Level) for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, and a health and welfare benefits package to be paid for such jobs, unless otherwise prohibited by state law, including plans for community outreach and worker training programs;

(g) If co-location of Marijuana Businesses is proposed, provide an explanation of the integration of such businesses, including a drawing showing the relationship between the businesses being co-located, including floor area and the separation provided between such

facilities, including identification of any points of entry, ingress or egress, and controls at each location; and

(h) A neighborhood communication/education plan and strategies; and

(i) Any charitable plans and strategies whether through financial donations or volunteer work.

(17) A lighting plan showing the lighting outside of the marijuana business for security purposes and compliance with applicable City outdoor lighting requirements;

(18) A security plan, including, but not limited to, lighting, alarms, barriers, recording/monitoring devices, safes, and/or security guard arrangements proposed for the establishment facility and premises. The security plan must contain the specification details of each item of security equipment.

(19) A to-scale diagram of the proposed licensed premises, no larger than 11 inches by 17 inches, showing, without limitation, building floor plan and layout, all entryways, doorways, or passageways, and means of public entry and exits to the proposed licensed premises, loading zones, available on-site parking spaces, including handicapped accessible spaces, fencing at the premises, and all areas in which marijuana will be stored, grown, manufactured or dispensed;

(20) Any proposed elevation drawings, and photographs or other depiction of materials to be visible on the exterior of the proposed Marijuana Business.

(21) A proposed marketing, advertising, and business promotion plan for the proposed Marijuana Business.

(22) A description of planned tangible capital investment in the City for each proposed Marijuana Business.

(23) A social equity plan that (a) promotes and encourages participation and ownership in the marijuana industry by local residents that have been disproportionately impacted by marijuana prohibition and enforcement, and that (b) positively impacts local residents.

(24) A depiction of any proposed signage, text or graphic materials to be shown on the exterior of the proposed Marijuana Business.

(25) A sanitation plan designed to protect against any marijuana being ingested on the premises by any person or animal, describing how the waste and byproduct will be stored and disposed of, and how any marijuana will be rendered unusable upon disposal. The sanitation plan shall include a copy of the proposed contract or letter of intent between the Applicant and sanitation waste provider.

(26) A proposed inventory and recordkeeping plan that will track payment method, amount of payment, time of sale, product quantity, and other product descriptors and compliance with the requirements of the Department.

(27) Proof of financial responsibility in the form of a commitment or letter of intent to issue an insurance policy covering the business and naming the City of Pontiac, its elected and appointed officials, employees, and agents, as additional insured parties, primary and non-contributory available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of:

- a. at least Two Million Dollars (\$2,000,000) for property damage;
- b. at least Two Million Dollars (\$2,000,000) for injury to one (1) person; and
- c. at least Two Million Dollars (\$2,000,000) for injury to two (2) or more person resulting from the same occurrence.

The insurance policy underwriter must have a minimum A.M. Best Company Insurance ranking of B+, consistent with state law. The policy shall provide that the City shall be notified by the insurance carrier thirty (30) days in advance of any cancellation or reduction in coverages.

(28) A signed acknowledgement that the applicant understands that all matters related to marijuana cultivation, possession, dispensing, testing, transporting, distribution and use are subject to federal and state laws and regulations, and that the approval of a permit hereunder does not exonerate or excuse the applicant from abiding by the

provisions and requirements and penalties associated therewith. Further, the applicant completely releases and forever discharges the city and its respective employees, agents, facilities, insurers, indemnors, successors, heirs and/or assigns from any and all past, present or future claims, demands, obligations, actions, causes of action, wrongful death claims, rights, damages, costs, losses of services, expenses and compensation of any nature whatsoever, whether based on a tort, contract or other theory or recovery, which the applicant or its stakeholders may now have, or which may hereafter accrue or otherwise be acquired, on account of, or may in any way arise out of the applicant or stakeholders' application for a permit and, if issued a permit, the applicant or stakeholders' operation of a Marijuana Business.

(29) A scaled location area map that identifies the relative locations of, and distances from, Schools, childcare centers, public parks ~~containing playground equipment~~, and religious institutions, as measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the primary point of ingress to the school, childcare center, or religious institution, or, for a public park, from the ~~playground equipment~~ nearest to contemplated location, and from the primary point of ingress to the contemplated location.

(30) If the applicant is applying for a permit to operate a Retailer, a Social Equity Retailer, a Class A Microbusiness, a Designated Consumption Establishment, or a Temporary Marijuana Event, a description of drug and alcohol awareness programs to be provided by the applicant to customers and the public.

(31) If the applicant is applying for a permit to operate a grower, a cultivation plan that includes a description of the cultivation methods to be used. Outdoor grows are prohibited.

(32) If the applicant is applying for a permit to operate a grower, a chemical and pesticide storage plan that complies with the requirements of the Department.

(33) An applicant for a Marijuana Secure Transporter license shall provide copies of the vehicle registration for all commercial motor vehicles that will be used to transport marijuana or marijuana-infused products. A secure transporter must provide proof of no-fault automobile insurance with a company licensed to do business in Michigan with

limits of liability not less than \$1,000,000 per occurrence combined single limit for bodily injury and property damage.

(34) Any other information requested by the City Clerk considered to be relevant to the processing or consideration of the application.

(d) An applicant may apply for multiple Marijuana Business permits of the same or different nature, except that Class A Microbusiness applicants may not hold an ownership interest in a grower, processor, retailer, or social equity retailer, and social equity retailer permits are limited to social equity qualified applicants. No person who holds an ownership interest in a safety compliance facility or in a secure transporter may hold an ownership interest in a grower, a processor, a retailer, a social equity retailer, or a Class A microbusiness.

Sec. 13. Marijuana Business Permit Application Process.

(a) Upon receipt of a completed application meeting the requirements of this ordinance and payment of the permit application fee, the Clerk shall refer a copy of the application to the fire department and the Community Development Department, the planning division, and other affected departments for review and compliance with the City Code.

(b) No application for a permit shall be approved unless:

(1) The fire department and the Community Development Department and other affected departments have inspected the proposed location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements.

(2) The Community Development Department, the planning division, and other affected departments have confirmed that the proposed location complies with the zoning ordinance.

(3) The proposed Marijuana Business has been issued a certificate of occupancy and, if necessary, a building permit.

(4) The City Treasurer confirms the applicant and each stakeholder and the proposed location of the Marijuana Businesses are not in default to the City.

(c) ~~After this ordinance becomes effective, the Clerk shall begin accepting adult-use Marijuana Business applications within 60 days.~~ After sixty (60) days from the effective date of this ordinance, the Clerk shall begin accepting adult-use Marijuana Business applications for a permit

to operate a grower, processor, secure transporter, safety compliance facility, marijuana event organizer, and temporary marijuana event.

(d) The Clerk shall award a conditional permit to any applicant for a permit to operate a grower, processor, secure transporter, safety compliance facility, marijuana event organizer, and temporary marijuana event, upon the determination by the Clerk that the application is complete, the applicant receives the City and State of Michigan approvals required in this ordinance, and the applicant meets all of the requirements of this ordinance and the City Code, including the zoning ordinance. If the City Clerk identifies, or is informed of, a deficiency in an application, the applicant has two (2) weeks to correct the deficiency after notification by the City Clerk. The Clerk will grant a final permit if the applicant obtains final site plan approval and special land use approval within 6 months of receiving a conditional permit, and obtains an operating permit from the City and an operating license from the Department within 18 months after the conditional permit is granted and enters into a written agreement with the City confirming that the marijuana establishment will operate in accordance with the business plans, building plans, design standards, social equity plans and all other operational standards described by the applicant in the application materials submitted. The agreement shall further provide that if the establishment breaches the agreement, then the City may revoke authorization of the establishment following notice and a public hearing, and that in such event, the City shall be entitled to injunctive relief barring further operation of the establishment in the City. An extension of 6 months to obtain an operating permit from the City and an operating license from the Department may be granted in the discretion of the Clerk upon a showing of good cause for the delay.

(e) Retailer, Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment Applications. After sixty (60) days from the effective date of this ordinance, the Clerk shall set a 21-day application window period during which applicants may apply for a Retailer, Social Equity Retailer (limited to Social Equity Qualified applicants), Class A Microbusiness and Designated Consumption Establishment permits. After the 21-day application window closes, the Clerk shall assess, evaluate, score and rank all applications for permits to operate a Retailer, Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment submitted during the twenty-one (21) day application window period. The Clerk shall review all submitted applications for completeness.

(f) In its application assessment, evaluation, scoring, ranking, and deliberations related to permits to operate a Retailer, Social Equity Retailer, Class A Microbusiness, and Designated Consumption Establishment, the Clerk shall assess, evaluate, score, and rank each application based upon a point-based scoring and ranking procedure which shall be approved by City Council resolution, developed by the Clerk consistent with the requirements, conditions, and provisions of this ordinance in each of the following categories:

(1) The content and sufficiency of the information required to be in the application under this ordinance. Applicant must have submitted all required materials for each category in a professional, organized manner with clear and accurate labeling of all required items. Failure to clearly and accurately label and organize the application materials will result in the deduction of points. The maximum number of scoring points in this category shall be five (5) points.

(2) Whether the proposed Marijuana Business will have a detrimental impact on the surrounding area and neighborhood including the distance of the establishment to properties zoned or used residentially; traffic patterns, traffic mitigation and resident safety; plans for litter control, loitering, noise mitigation, odor mitigation. Applicant shall submit a traffic impact study by a professional traffic engineer. Applicant shall submit a sanitation plan designed to protect against any marijuana being ingested on the premises by any person or animal, describing how the waste and byproduct will be stored and disposed of, and how any marijuana will be rendered unusable upon disposal. The sanitation plan shall include a copy of the proposed contract between the Applicant and sanitation waste provider. Applicant shall submit an odor control plan satisfying the criteria in Sec. 15 of this ordinance. The maximum number of scoring points in this category shall be twenty (20) points.

(3) Neighborhood Communication/Education Plan on behalf of the proposed Marijuana Business. The plan should include meetings, at least once per year, with the neighborhood organizations, residents and general public, and to provide a contact for on-going public information, questions and concerns. Written notice to all property owners within 1500 feet of the marijuana business location, neighborhood organizations and City Clerk shall be provided. In addition, to other methods of notice, the written notice shall be sent by mail at

least two (2) weeks before the public meeting. The maximum number of scoring points in this category shall be ten (10) points.

(4) Whether the applicant or its stakeholders have made, or plan to make, significant physical investment and improvements to the building where the proposed Marijuana Business is to be located, including the applicant's financial structure, source of financing, development and build-out budget and projected initial operating budget of the proposed Marijuana Business and proposed tangible capital investment; the current and proposed condition of the proposed location; and the applicant's ownership stake in the physical location of the establishment. The maximum number of scoring points in this category shall be ten (10) points.

(5) Whether the applicant and all of its stakeholders have a record of acts that are not detrimental to the public health, security, safety, morals, good order, or general welfare prior to the date of the application; applicant shall demonstrate and document a history of regulatory compliance with all federal, state and local laws and regulations, and shall disclose all complaints, judgments, convictions, administrative and regulatory decisions, permit and license suspensions, revocations and fines, rendered by any federal, state and local government agencies, including but not limited to wage and hour laws, anti-discrimination and civil rights laws, and occupational, health and safety laws. The maximum number of scoring points in this category shall be ten (10) points.

(6) Whether the applicant has disclosed and documented sufficient financial resources and total amount of capitalization to develop, operate and maintain a Retailer, Social Equity Retailer, Class A Microbusiness or Designated Consumption Establishment, and demonstrates the requisite business experience to execute the submitted business plan and other plans required by this ordinance. The applicant should disclose and document sources and total amount of capitalization to operate and maintain a Retailer establishment, a Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment, and include a CPA attested financial statement, a valid pro forma for three years, proof of financial responsibility in the form of a commitment or letter of intent to issue an insurance policy satisfying the criteria in Sec. 12 (b)(27) of this ordinance, attest that the applicant and any of its owners have not filed bankruptcy in the last seven (7) years, have not had liens placed upon financial accounts or property by the Internal Revenue Service or

state Treasuries, and has filed personal and/or corporate income tax returns for the past five (5) years. The maximum number of scoring points in this category shall be twenty (20) points.

(7) Description of staffing plan that includes the number and type of full-time and part-time positions the applicant intends to create; the proposed living wage or salary (at least 200 percent of the Federal Poverty Level for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, the applicant intends to pay employees, unless otherwise prohibited by state law; whether the applicant has articulated plans and strategies to recruit, hire and mentor for career advancement, a percentage of diverse residents from the City of Pontiac, including those residents who are veterans, low income and/or have a prior controlled substance record (excluding distribution of a controlled substance to a minor); a staff training and education plan that the applicant will provide to employees; an explanation, with supporting factual data, of the economic benefits to the City and the job creation for local residents to be achieved by the establishment; short and long-term goals and objectives; and whether the applicant has articulated plans to provide employee health and welfare benefit plans, including, but not limited to, sick leave, maternity leave, and paternity leave. The applicant shall maintain and provide data to the City Clerk supporting its staffing plan which shall be considered at the time of renewal of any permit issued pursuant to this ordinance to determine compliance. The maximum number of scoring points in this category shall be ten (10) points.

(8) Planned philanthropic initiatives and community improvement programs aimed at the City of Pontiac, which may include a \$1,000 donation to a fund administered by the City used to promote social equity in the City of Pontiac, a negatively impacted community, by promoting advocacy around criminal justice issues related to marijuana prohibition, supporting youth who have been negatively impacted by the war on drugs as it relates to the prohibition of marijuana, and community education and outreach on adult-use marijuana in general. The maximum number of scoring points in this category shall be ten (10) points.

(9) Whether the applicant received conditional approval for a medical marijuana provisioning center permit pursuant to City of Pontiac's Medical Marijuana Facilities Ordinance, Article XXX, Section 26.1491 et seq., is not currently in default of compliance with Article XXX, and has received site plan approval from the City's Community Development Department and has started construction of the medical marijuana provisioning center subject to receipt of a valid building permit from the City not less than 30 days prior to the application for Marijuana Retailer or Social Equity Retailer permit. The maximum number of scoring points in this category shall be twenty (20) points.

(10) Whether the applicant has rehabilitated and/or redeveloped within three (3) years before the submittal of the application under this ordinance, or will rehabilitate and/or redevelop, an existing building by demolishing and rebuilding or completely renovating a building that has been vacant or had been vacant as registered with the City for one (1) year or more. The maximum number of scoring points in this category shall be ten (10) points.

(11) Whether the applicant has rehabilitated and/or redeveloped within three (3) years before the submittal of the application under this ordinance, or will rehabilitate and/or redevelop, an existing building by demolishing and rebuilding or completely renovating a building that has been cited as blighted or dangerous or had been cited as blighted or dangerous (as such term is defined in the City's Code of Ordinances). The maximum number of scoring points in this category shall be ten (10) points.

(12) Whether an applicant proposes a social equity plan that promotes and encourages social equity participation and ownership in the marijuana industry by persons who reside in disproportionately impacted communities in those Michigan communities designated by the State of Michigan, who have been disproportionately impacted by marijuana prohibition and enforcement, and to positively impact those communities, in accordance with MCL 333.27958(1)(j). The maximum number of scoring points in this category shall be fifteen (15) points.

(13) Whether an applicant demonstrates social equity participation and greater than 50% ownership by persons who reside in disproportionately impacted communities in those Michigan communities designated by the State of Michigan, who have been disproportionately impacted by marijuana prohibition and enforcement, and to positively

impact those communities, in accordance with MCL 333.27958(1)(j)). The maximum number of scoring points in this category shall be fifteen (15) points.

(g) Overall scoring and ranking shall be conducted and applied by the Clerk on the basis of assigned points from zero (0) points to one hundred and sixty five (165) points with the lowest overall total score as zero (0) points and the highest possible total score being one hundred and sixty five (165) points.

(h) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate retailer establishments, awarding conditional permits to the eighteen (18) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than eighteen (18) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Retailer. In the event that the number of Retailer permits falls below the maximum number authorized under this ordinance, the clerk shall not be required to score applicants. Instead, the clerk shall evaluate applications in the order that they are submitted and shall award permits for Retailers to an applicant who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Retailer permits exceed the maximum number authorized under this ordinance.

(i) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Class A Microbusinesses, awarding conditional permits to the five (5) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than five (5) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Class A Microbusiness. In the event that the number of Class A Microbusiness permits falls below the maximum number authorized under this ordinance, the Clerk shall not be required to score applicants. Instead, the Clerk shall evaluate applications in the order that they are submitted and shall award permits for Class A Microbusinesses to an applicant who submits a complete

application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Class A Microbusiness permits exceed the maximum number authorized under this ordinance.

(j) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Designated Consumption Establishments, awarding conditional permits to the three (3) highest scoring applicants for the North of Huron locations. In the event of an evaluation scoring tie, which causes there to be more than three (3) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Designated Consumption Establishment. In the event that the number of Designated Consumption Establishment permits falls below the maximum number authorized under this ordinance, the Clerk shall not be required to score applicants. Instead, the Clerk shall evaluate applications in the order that they are submitted and shall award permits for Designated Consumption Establishment to an applicant who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Designated Consumption Establishment permits exceed the maximum number authorized under this ordinance.

(k) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Designated Consumption Establishments, awarding conditional permits to the three (3) highest scoring applicants for the South of Huron locations. In the event of an evaluation scoring tie, which causes there to be more than three (3) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Designated Consumption Establishment. In the event that the number of Designated Consumption Establishment permits falls below the maximum number authorized under this ordinance, the Clerk shall not be required to score applicants. Instead, the Clerk shall evaluate applications in the order that they are submitted and shall award permits for Designated Consumption Establishment to an applicant who submits a complete application, receives the approvals required in this section, and meets

the requirements of this ordinance. However, in no event shall the number of Designated Consumption Establishment permits exceed the maximum number authorized under this ordinance.

(l) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Social Equity Retailer establishments, awarding conditional permits to the six (6) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than six (6) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Social Equity Retailer. In the event that the number of Social Equity Retailer permits falls below the maximum number authorized under this ordinance, the clerk shall not be required to score applicants. Instead, the clerk shall evaluate applications in the order that they are submitted and shall award permits for Social Equity Retailers to an applicant who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Social Equity Retailer permits exceed the maximum number authorized under this ordinance.

(m) The Clerk will grant a final permit to a retailer, social equity retailer, Class A microbusiness and designated consumption establishment if the applicant obtains final site plan approval and special land use approval within 6 months of receiving a conditional permit, obtains an operating permit from the City and an operating license from the Department within 18 months after the conditional permit is granted, and enters into a written agreement with the City confirming that the marijuana establishment will operate in accordance with the business plans, building plans, design standards, social equity plans and all other operational standards described by the applicant in the application materials submitted. The agreement shall further provide that if the establishment breaches the agreement, then the City may revoke authorization of the establishment following notice and a public hearing, and that in such event, the City shall be entitled to injunctive relief barring further operation of the establishment in the City. An extension of 6 months to obtain an operating permit from the City and an operating license from the Department may be granted in the discretion of the Clerk upon a showing of good cause for the delay.

(n) Nothing in this section is intended to confer a property or other right, duty, privilege or interest in a permit of any kind or nature whatsoever, including, but not limited to, any claim of entitlement.

(o) The Clerk may engage professional expert consultant assistance in performing the Clerk's duties and responsibilities under this Ordinance.

Sec. 14. Social Equity Retailers

(a) The City has created a permit process to allow state social equity qualifiers to apply for and be awarded social equity retailer permits in zoning districts designated in the City zoning ordinance. The City shall permit ~~six (6)~~ five (5) social equity retailer licenses for social equity applicants, including franchisees, who demonstrate and document 51% or more ownership by social equity qualifying applicants, including ownership structure of the entity that identifies the ownership percentage held by each stakeholder.

(b) Social equity applicants for social equity retailer permits may apply for other available adult-use permits including retailer establishment permits, except they may not apply for a Class A microbusiness, safety compliance facility or secure transporter permit.

Sec. 15. Odor Control.

(a) No Marijuana Business, permittee, person, tenant, occupant, licensee, landlord or property owner shall permit the release of marijuana odors from any origin to cause obvious odors emanating from the premises in which they derived and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marijuana odor interferes with the reasonable and comfortable use and enjoyment of another's property shall be determined by the objective standards of a reasonable person of normal sensitivity.

(b) Marijuana Businesses shall use sufficient procedures to prevent smoke, odor, debris, dust, fluids and other substances from escaping the premises of the Marijuana Business. If any smoke, odor, debris, dust, fluids or other substances leave the Marijuana Business in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property, or that causes damage to property, the permittee for the Marijuana Business and the owner of the premises shall be jointly and severally liable for such conditions and shall be responsible for immediate, full cleanup and correction of such condition. The permittee shall properly dispose of all such materials, and other substances in a safe, sanitary, and secure manner in compliance with all federal and state laws and regulations, and this chapter.

1. A plan for ventilation of the Marijuana Business that describes the ventilation systems that will be used to prevent any odor of marijuana off the premises of the business. Such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For marijuana infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

2. Cultivated, produced, or distributed by a Marijuana Business, A Marijuana Business shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the Marijuana Business or at any adjoining use or property.

3. Sufficient measures and means of preventing smoke, odor, debris, dust, fluids and other substances from exiting a Marijuana Business must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marijuana establishment, the owner of the subject premises and the permittee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The Marijuana Business shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

Sec. 16. Social Equity

(a) ~~A permittee. Any person or entity receiving more than \$10,000.00 in contract value or benefit from the City~~ must use good-faith efforts in hiring employees who have been negatively impacted by marijuana prohibition. Adult-use recreational marijuana businesses should use good-faith efforts to hire and retain 25 percent of its employees who are low income or live in the City of Pontiac.

Sec. 17. Class A Microbusinesses

(a) A Class A microbusiness is subject to all applicable provisions in this Ordinance related to growers, processors, and retailers.

(b) All Class A Microbusinesses, shall comply with all applicable requirements of the City of Pontiac's zoning ordinance except where otherwise specified in this Ordinance.

(c) All Class A Microbusinesses shall be classified as Special Land Uses in the permitted zoning districts.

(d) A masonry screen wall shall be provided along all property lines abutting property that is zoned for residential use, subject to the requirements of the Pontiac Code of Ordinances.

(e) Class A Microbusinesses are prohibited if the location is within 1,000 feet from any pre-existing School; (f) The distance separation requirement set forth above shall be measured from nearest property line of the Business Location to the nearest property line of the parcel on which the listed use is located, regardless of ownership of property or Permittee. ~~A Class A Microbusiness shall not operate on the same parcel as any other Marijuana Business.~~

Sec. 18. Designated Consumption Establishments.

(a) All Designated Consumption Establishments shall comply with all applicable requirements of the City of Pontiac's zoning ordinance.

(b) Designated Consumption Establishments shall be limited to C-2 Downtown Adult-Use Marijuana Business Overlay District as identified in the City zoning ordinance and on the City Zoning Map, with three Designated Consumption Establishments permitted north of Huron Street and three Designated Consumption Establishments permitted south of Huron Street.

(c) Designated Consumption Establishments shall be classified as Special Land Uses in the permitted zoning districts.

(d) A masonry screen wall shall be provided along all property lines abutting property that is zoned for residential use, subject to the requirements of the Pontiac Code of Ordinances.

(e) Designated Consumption Establishments are prohibited if the location is within 1,000 feet from any pre-existing School; (f) The distance separation requirement set forth above shall be

measured from nearest property line of the Business Location to the nearest property line of the parcel on which the listed use is located, regardless of ownership of property or Permittee.

(f) A Designated Consumption Establishment shall:

(1) Install and maintain an operable ventilation and filtration system to remove smoke to the outside of the building and eliminate odor at the property line of the premises;

(2) Prominently display a sign near the entrance of the business which carries the following warning:

WARNING: Marijuana use by pregnant or breastfeeding women, or by women planning to become pregnant, may result in fetal injury, preterm birth, low birth weight, or developmental problems for the child.

Sec. 19. Marijuana Business Co-Location and Stacking.

(a) Separate Marijuana Business grower, processor, retailer, Class A microbusiness, and designated consumption establishment uses, shall be permitted to operate at the same location subject to permit approval for each use from the City. Establishments operating at the same location must have permit approval for each Marijuana Business type and use described above.

(b) Consistent with the MRTMA and the Rules, applicants for Class C grower permits shall be allowed to stack and receive multiple Class C grower permits, and to operate under each permit in a single establishment.

Sec. 20. Transfer of Location Prohibited; Transfer of Ownership and Assets.

(a) Transfer of Location Prohibited. Permittees may not transfer a permit issued under this ordinance to a different location.

(b) Transfer of Ownership or Assets. Permittees may apply to the Clerk to transfer ownership or assets of a permittee's business and the permit issued under this ordinance to a different individual or entity, subject to receiving in advance written approval from the Clerk and the Department pursuant to the MRTMA and the Rules. In order to request City approval to transfer ownership or assets and a permit to a different individual or entity, the permittee must make a written request to the Clerk, indicating the current permittee and the proposed permittee. The proposed permittee shall submit a complete application to the Clerk, and the Clerk shall grant the request so long as the proposed permittee meets all requirements outlined in this Ordinance and

the Department authorizes the transfer pursuant to the MRTMA and the Rules. A sale or transfer of an ownership interest of a social equity applicant shall be at a price no less than fair market value and the buyer or transferee shall be qualified as a social equity applicant.

(c) With submission of a complete transfer of ownership or assets application, the proposed permittee for an ownership or asset transfer shall pay a nonrefundable application fee of \$5,000.00, in order to offset costs of the City associated with review of the proposed permittee's qualifications for a permitted marijuana business operation.

Sec. 21. Permits Generally

(a) Permittees shall report any material change in the required information to the Clerk within twenty four (24) hour and shall report any non-material change in the required information to the Clerk within ten (10) business days of the change. Failure to do so may result in a fine, suspension or revocation of the license.

(b) Permit approval shall not be effective, and no Marijuana Business may operate, unless the Marijuana Business has obtained a State License, the site of the proposed use and proposed structure for the Marijuana Business has zoning approval for such use, and the proposed final site plan and special land use has been approved by the Planning Commission.

Sec. 22. Term of Marijuana Business Permit.

(a) Approval of a permit shall be for a period of one calendar year subject to continued compliance with this ordinance, the City Code, MRTMA and the Rules.

(b) Each permit for that current year shall be displayed in a conspicuous spot in the location.

(c) A permittee shall remove any expired permit on display and replace it with the current permit. A permittee shall not attempt nor act in any fraudulent manner in regard to the display of any permit.

Sec. 23. Closing of Marijuana Business.

(a) A permittee that closes a Marijuana Business must comply with the requirements issued by the Michigan Cannabis Regulatory Agency.

(b) Within thirty (30) days of a permittee ceasing operations, written notification must be provided to the City Clerk. (c) The permittee shall furnish to the City a current forwarding address, phone number and email for all permittees.

(d) The permittee shall surrender its Marijuana Business permit to the City upon the expiration of the thirty (30) days' notice to the City.

Sec. 24. Annual Marijuana Business Permit Renewal.

(a) Application for a permit renewal shall be made in writing to the Clerk at least 30 days prior to the expiration of an existing permit. Failure to submit a completed application for renewal of an existing permit along with the required renewal fee to the City Clerk on or before the license expiration date shall be grounds for the revocation or suspension of a permit. Any authorized establishment that has not timely submitted a renewal application as required herein shall suspend all business operations until such time as a renewal permit has been obtained.

(b) An application for permit renewal shall be made under oath on forms provided by the Clerk.

(c) An application for permit renewal shall be accompanied by a renewal fee of \$5,000.00 for each permit to help defray administrative and enforcement costs of the City associated with the operation of the Marijuana Business.

(d) Upon receipt of a completed application for renewal of a permit meeting the requirements of this ordinance and payment of the permit renewal fee, the Clerk shall refer a copy of the renewal application to the fire department and the Community Development Department, planning division, and other appropriate City departments and officials for review.

(e) No application for a permit renewal shall be approved unless:

(1) The fire department and the Community Development Department, planning division, and other appropriate departments have, within the past calendar year, inspected the proposed location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements.

(2) The Community Development Department, planning division, and other relevant departments have confirmed that the location complies with the zoning ordinance.

(3) The permittee possesses the necessary State Operating Licenses in good standing with the Department.

(4) The applicant has operated the Marijuana Business in accordance with the conditions and requirements of this ordinance and the City Code,

(5) The permittee has not been determined to be a public nuisance,

(6) An explanation, with supporting factual data, that the operations of the business have been consistent with the plans submitted with its application for a permit, including the staffing plan and proof of an insurance policy covering the business and naming the City of Pontiac, its elected and appointed officials, employees, and agents, as additional insured parties, primary and non-contributory available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of:

- a. at least Two Million Dollars (\$2,000,000) for property damage;
- b. at least Two Million Dollars (\$2,000,000) for injury to one (1) person; and
- c. at least Two Million Dollars (\$2,000,000) for injury to two (2) or more person resulting from the same occurrence.

The insurance policy underwriter must have a minimum A.M. Best Company Insurance ranking of B+, consistent with state law. The policy shall provide that the City shall be notified by the insurance carrier thirty (30) days in advance of any cancellation or reduction in coverages.

(7) An explanation, with supporting factual data, of the efforts and success achieved by the social equity plan of the business to promote and encourage participation in the marijuana industry by local residents that have been disproportionately impacted by marijuana prohibition and enforcement, and the positive impact of the social equity plan on local residents.

(9) The City Treasurer has confirmed that the applicant and each stakeholder is not in default to the City for any property tax, special assessment, utility charges, fines, fees or other financial obligation owed to the City.

(10) The City has reviewed the application and determined that the applicant has satisfied the requirements of this Ordinance with respect to the criminal background check and security plan.

(11) Unless the applicant shows good cause, the applicant shall demonstrate to the City Clerk that the applicant was open and conducting business for a minimum of twenty (20) hours per week during each and every week of the prior year. The term "good cause" shall mean substantial grounds, such as an emergency, fire damage, or other unforeseeable circumstances that prevented the applicant from conducting business for a minimum of twenty (20) hours per week during each and every week of the prior year. Economic or financial decisions, or inability to secure capital or financial resources that prevented an applicant from conducting business for a minimum of twenty (20) hours per week during the prior year shall not be good cause.

(f) If written approval is given by each department or entity identified in this section, and the Clerk determines that the applicant has satisfied subsections (a), (b), (c), (d) and (e) of this Section, then the Clerk shall renew the permit of the applicant.

Sec. 25. Denial, Nonrenewal, Suspension, or Revocation of Marijuana Business Permit; Basis for Action; Appeal.

(a) Each Marijuana Business within the City for which a permit is granted shall be operated and maintained in accordance with all applicable City, State and federal laws, rules, and regulations. Any permit issued under this Ordinance may be revoked or suspended by the City after written notice and an administrative hearing if a City official finds and determines that grounds for revocation or suspension exist. Any grounds for revocation or suspension of a permit must be provided to the permittee at least ten (10) days prior to the date of the hearing by first class mail to the address given on the application or any address provided to the Clerk in writing subsequent to the filing of an application. The Clerk shall notify an applicant of the reasons for denial of an application for a permit, for permit renewal, or for suspension or revocation of a permit,

or any adverse decision under this ordinance and provide the applicant or permittee an administrative hearing with the opportunity to be heard.

(b) In addition to any other reasons set forth in this ordinance, the City may refuse to issue a permit, may refuse to grant renewal of a permit, and may suspend or revoke a permit pursuant to Pontiac City Ordinance sections 1-24 or for any of the following reasons:

- (1) A violation of any provision of this Ordinance, including, but not limited to, the failure to provide the information required by this Ordinance;
- (2) Any disqualifying conviction or pattern of convictions by the permittee or any stakeholder of the permittee including any conviction of any felony or any misdemeanor involving controlled substances, theft, or dishonesty by the applicant, permittee, stakeholder, or any person holding an ownership interest in the licensee;
- (3) Failure of the permittee to obtain or maintain a State License or approval pursuant to MRTMA and MMFLA;
- (4) Commission of fraud or misrepresentation or the making of a false statement by the applicant, permittee, or any stakeholder of the applicant or permittee, while engaging in any activity for which this Ordinance requires a permit;
- (5) The Marijuana Business is determined by the City to have become a public nuisance or otherwise is operating in a manner detrimental to the public health, safety or welfare;
- (6) Failure of the permittee to maintain the property causing a blighted or other condition in violation of any City ordinance, including but not limited to, Ord. No. 2355, 8-9-18, or in violation of any state law, including but not limited to, MCL 125.538 to 125.542;
- (7) Any default in the payment of any charges, taxes, or fees, to the City if not cured upon thirty (30) days following notice sent by electronic means or mail to the address of the Marijuana Business. This cure period does not apply to scoring of initial applications for Retailer, Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment permits;
- (8) Violation of any State law applicable to Marijuana Businesses.
- (9) Failure to obtain or maintain a certificate of occupancy from the Building Department;

(10) Failure of the permittee to obtain or maintain a permit or to renew a permit from the City Clerk; or

(11) The establishment facility's approved site plan is determined to be in substantial violation by the City,

(c) Appeal of denial of an application, denial of renewal, or revocation or suspension of a permit: Any applicant or permittee aggrieved by the denial, non-renewal, suspension or revocation of a permit or adverse decision under this ordinance may appeal to the Clerk, by filing with the Clerk, within fourteen (14) days after notice of the action complained of has been mailed or e-mailed to the applicant or to permittee's last known address on the records of the Clerk, a written statement setting forth fully the grounds for the appeal. The Clerk shall appoint a hearing officer to hear and evaluate the appeal and make a written recommendation and report to the Clerk. The Clerk shall review the report and recommendation of the hearing officer and issue a written decision. The Clerk's decision may be appealed to the Marijuana Business Commission by filing an appeal in writing to the Marijuana Business Commission no later than thirty (30) days after the Clerk's decision. The review on appeal of a denial, non-renewal, suspension, or revocation or adverse action shall be by the Marijuana Business Commission pursuant to this ordinance. The Marijuana Business Commission shall overturn a decision or finding of the Clerk if it finds such decision or finding to be arbitrary or capricious and/or not supported by material, substantial, and competent facts on the whole record considered by the Clerk in arriving at such decision or finding. Any decision by the Marijuana Business Commission on an appeal shall be final for purposes of judicial review. The Clerk may engage professional consultants to assist with the review and scoring of applications under this section.

(d) Following the denial of a permit to an applicant for a retailer permit, social equity retailer permit, Class A microbusiness permit or designated consumption establishment permit, and any subsequent appeal during the recommendation and issuance process, the Clerk may move to recommend the application with the next highest number of scoring points as determined in the application process to be awarded a permit.

(e) The City Clerk shall notify the Michigan Cannabis Regulatory Agency of all renewal applications which are renewed or denied, and all permits that are suspended or revoked.

(f) A permittee whose renewal application is denied, must submit a new application as a new applicant.

Sec. 28. Penalties; temporary suspension of a permit.

(a) The City may require an applicant or permittee of a Marijuana Business to produce documents, records, or any other material pertinent to the investigation of an applicant or permittee or to an alleged violation of this Ordinance or state law and rules. Failure to provide the required material may be grounds for application denial, or permit suspension or revocation.

(b) Any person in violation of any provision of this Ordinance, including the operation of a Marijuana Business without a permit shall be responsible for a civil infraction and shall be subject to a civil fine and costs. Increased civil fines may be imposed for a repeat violation. As used in this Ordinance "repeat violation" shall mean a second or any subsequent infraction of the same requirement or provision committed by a person or establishment within any twenty-four (24) month period. Unless otherwise specifically provided in this Ordinance, the penalty schedule is as follows:

- (1) Five Hundred Dollars (\$500), plus costs, for the first violation;
- (2) One Thousand Dollars (\$1,000), plus costs, for a repeat violation;
- (3) Three Thousand Dollars (\$3,000), plus costs for any repeat violation that continues for more than one day.

(c) The City may temporarily suspend a Marijuana Business permit without a prior hearing if the City finds that public safety or welfare requires emergency action affecting the public health, safety, or welfare. The City shall cause the temporary suspension by issuing a suspension notice in connection with institution of proceedings for notice and a hearing.

(d) If the City temporarily suspends a permit without a prior hearing, the permittee is entitled to a hearing within thirty (30) days after the suspension notice has been served on the permittee or posted on the permitted premises. The hearing shall be limited to the issues cited in the suspension notice.

(e) If the City does not hold a hearing within thirty (30) days after the date the suspension was served on the permittee or posted on the permitted premises, then the suspended permit shall be automatically reinstated and the suspension vacated.

(f) The penalty provisions herein are not intended to foreclose any other remedy or sanction that might be available to, or imposed by the City, including criminal prosecution.

Sec. 27. Severability Clause.

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

Sec. 28. Effective Date.

This Ordinance shall become effective; (a) 30 days following the date of adoption, (b) the effective date of the amendment to ordinance #2360 (removing the prohibition of marijuana establishments); or (c) the effective date of the zoning code text amendments permitting Adult-Use Marijuana Business land uses, whichever is later.

Sec. 29. Publication.

#5

RESOLUTION



PONTIAC CITY COUNCIL RESOLUTION

Proclaiming March 2023 as

Women's History Month in Pontiac

Whereas, the month of March is National Women's History Month, which recognizes and spreads awareness of the importance of women in our nation's history; and

Whereas, women in the United States were once considered property or chattel of their husbands and were subjected to second-class citizenship, but through tireless determination and opposition to that adversity, women nevertheless persisted and gained greater rights and independence; and

Whereas, the majority of American citizens are women, and the majority of Pontiac residents are women, and the City of Pontiac, Michigan has been positively shaped by past and present female residents and business owners through the decades;

Whereas, despite substantial advancements for women in the United States, much remains to be done to ensure that women, particularly women of color, are able to realize their full potential as equal members of society; now,

Therefore, Be It Resolved, the Pontiac City Council hereby proclaims March 2023 as Women's History Month in Pontiac, Michigan; and further

Resolved, the City of Pontiac honors the contributions of all women in the fight for gender equality, racial justice, and social equity and the impact they have made in our city, our state, our nation, and our world; and further

Resolved, the City of Pontiac shall install Women's History Month exhibits throughout our municipal buildings and be featured on our social media platforms; and further

Resolved, that the City of Pontiac welcomes additional opportunities to commemorate and celebrate the phenomenal women who have shaped the City of Pontiac, the State of Michigan, and the United States of America.

Pontiac City Council • Pontiac, Michigan • March 7, 2023

Mike McGuinness, Council President

Mikal Goodman, Councilmember

Brett Nicholson, Councilmember

Melanie Rutherford, Councilmember

William A. Carrington, President Pro Tem

Kathalee James, Councilmember

William Parker, Jr., Councilmember



#6

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Finance

TO: Honorable City Council President and City Council

FROM: Sekar Bawa, Senior Accountant

CC: Mayor Tim Greimel and Khalfani Stephens, Deputy Mayor

DATE: February 15, 2023

RE: Council Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023, (Cable Division)

Increase the budget appropriation in the following 231-Cable Fund GL accounts
231-291-977.014 Video Equipment (\$27,564.45).

The City Council approved on 02/22/22 the purchase and installation of microphone system in the City Council chamber. Sound Planning Communications installed the system in August of 2022 but the FY 2022-23 budget did not include funding to pay for the service. This budget amendment adds \$27,564.45 to the GL line item 231-291-977.014 Video Equipment Video Equipment to pay the outstanding invoice.

This amendment decreases the 231-Cable Fund balance by \$27,564.45. Estimated Fund balance after this amendment is \$736,791.

Increase the budget appropriation in the following GL accounts:

231-291-977.014	Video Equipment	<u>\$27,564.45</u>
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This item cannot be approved until after the resolution to authorize the city clerk to publish the notice of the budget amendment has been approved and one week after the publication of the notice.

Attachments: 02/22/2022 City Council Resolution
Sound Planning Communication Invoice



Council Resolution to approve the proposed budget amendment for Fiscal Year 2022-2023,

Increase the budget appropriation in the following 231-Cable Fund GL accounts
231-291-977.014 Video Equipment (\$27,564.45).

WHEREAS City council appropriated funds for the Cable Department to begin on July 1, 2022; and,

WHEREAS, that appropriation assumed certain variables that did not come into being; and,

WHEREAS, that appropriation did not include enough allocation for the purchase approved in FY 2022 for City Council Chamber microphone system; and,

WHEREAS, this budget amendment decreases the fund balance by \$27,564.45;

NOW THEREFORE, BE RESOLVED, that the City Council hereby approves the budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

Increase the budget appropriation in the following GL accounts:

231-291-977.014	Video Equipment	<u>\$27,564.45</u>
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CITY OF PONTIAC OFFICIAL MEMORANDUM

Executive Branch

TO: Honorable Mayor, Council President, and City Council Members

FROM: Phil Brown, Cable Director

DATE: February 22, 2021

RE: Resolution to Approve Upgrades of the City of Pontiac's Cable System

The City of Pontiac's Cable Division provides and produces service to two channels; Government and Public Access.

The current system used for the city's channel is in need of updating and due to the lack of system upgrading the city's cable service has incurred several outages.

The current Analog system is over 20 years old, produces low quality broadcasts and the existing hardware and software cannot be updated. Our current cable system is coaxial wire and creates slower broadcasts and uploads. Which generates, poor video/audio quality, delays in broadcasting and presents difficulty in troubleshooting problems as they occur.

Additionally, the current system does not communicate with newer technology and presents infrastructure mismatches which furthers the poor quality of the channels broadcasts.

Upgrading the cable system would allow for use of newer applications and enhance the city's cable broadcast system. The following updates to the city's cable system are recommended.

- Replacement of the Server/ Playback with a new Tightrope 2 channel digital server system.
- Replacement of the encoders
- Replacement of the aging broadcast components with new bulletin board software
- Replacement of the audio system to include microphones and speaker systems.
- Addition of two camera in the Council Chambers
- Monitoring of the hardware and software that will allow quick troubleshooting and resolution.

The estimated cost of this project is \$210,274.25

As such, it is requested that Council approve the following resolution to update to the city's cable system.



Whereas, the City of Pontiac's Cable System is provides and produces services to two channels, Government and Public Access and;

Whereas, the current Analog system is over 20 years old, produces low quality broadcasts and the existing hardware and software cannot be updated; and

Whereas, the current cable system is coaxial wire and creates slower broadcasts and uploads, which attributes to the poor video/audio quality and presents a challenge with troubleshooting problems; and

Whereas, the cable department recommends replacement of the server/playback, encoder, broadcast components, audio system and monitoring hardware and software; and

Whereas, the cable department believes the implementation of the recommended updates would be in the best interest for the city in providing quality broadcasting of meeting to the public and;

Whereas, the funding for the recommend updates would come from the Capital Improvement Fund- Cable, GL account 445-291-976.001;

NOW THEREFORE BE IT RESOLVED, that Pontiac City Council hereby approves the upgrades to the city's cable system in the amount of \$210, 274.25, taken out of the Capital Improvement Fund-Cable, GL account 445-291-976.001 and authorizes the Mayor to enter into an agreement with Filmtools in the amount of \$182, 709.80 and Sound Planning Communications in the amount of \$27,564.45 to complete said upgrades.



Complete Solutions for Communication Technologies

Invoice

DATE	INVOICE #
8/30/2022	29567

BILL TO
City of Pontiac Telecommunications ATTN: Phillip Brown, Dir of Comm 47450 Woodward Avenue Pontiac, MI 48342-509

SHIP TO
City Council-- City of Pontiac 47450 Woodward Avenue City Hall 2nd floor Pontiac, MI 48342 Phillip Brown

23-01397

W.O. NO.	P.O. NO.	PROJECT NO.	TERMS	DUE DATE
41518	22-02304		Net 30	9/29/2022
QTY	DESCRIPTION	RATE	AMOUNT	
1	Per SPC Estimate #2238 Provide a Shure portable wireless conference system and speakers Shure wireless conference system with 12 wireless conference mics, auto mixer, drop in chargers, and portable speakers	27,564.45	27,564.45	
<div style="display: flex; justify-content: space-between;"> <div> <p>design</p> <p>sound</p> <p>sales</p> <p>video</p> <p>Installation</p> <p>lighting</p> <p>service</p> <p>acoustics</p> <p>rentals</p> </div> <div> <p><i>just came in my box</i></p> <p><i>445-291-976.001</i></p> <p><i>over budget</i></p> <p><i>Phillip A. Brown</i></p> <p><i>12/2/22</i></p> </div> </div>				
Send Payment to: PO Box 222 Dearborn Heights, MI 48127 p 313.255.4100 f 313.255.4103			Total	\$27,564.45

13000 Inkster road - redford, mi 48239 - p 313.255.4100 - f 313.255.4103 - www.soundplanning.net

#7

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Department of Public Works

TO: Pontiac City Council

FROM: Al Cooley III, Interim Director of DPW

CC: Mayor Tim Greimel and Deputy Mayor Khalfani Stephens

DATE: March 7, 2023

RE: **Amend DPW Staff Salary Chart**

With the 22/23 Budget year the City of Pontiac Council approved several new positions for the Department of Public Works. 4 of those positions were inadvertently left off of the Salary chart of positions. These 4 positions are as follows, Sanitation Superintendent, Building Forman, and 2 Sanitation workers. These are full time hourly non-exempt positions.

These positions were listed on the approved DPW Org chart however were not included in the list of Salary positions. These Salary's need Council's approvals before the positions can be filled.

Finance has stated there is dollars for these positions currently in the DPW funds.

Sanitation Superintendent	\$80,000
Building Forman	\$63,295
Sanitation Worker	\$31,200 X 2

WHEREAS, The City of Pontiac has approved the new positions with the org chart and;

WHEREAS, The Department of Public Works, has the need to fill the positions and;

WHEREAS, The DPW funds have budgeted dollars in the 2022/2023 Fiscal Year budget to cover these costs,

NOW, THEREFORE

IT IS RESOLVED: The Pontiac City Council approves the salaries of Sanitation Superintendent, Building Forman and 2 Sanitation workers.

#8

RESOLUTION



CITY OF PONTIAC

OFFICIAL MEMORANDUM

Finance

TO: Honorable City Council President and City Council

FROM: Sekar Bawa, Senior Accountant

CC: Mayor Tim Greimel, Khalfani Stephens, Deputy Mayor

DATE: March 1, 2023

RE: **Council Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023.**
Increase the appropriation in the following GL accounts
208-756-719.000 Workers Compensation Ins. -\$5,000,
208-756-779.020 Programming -\$7,500,
208-756-942.001 Copier Lease – \$2,400,
208-756-943.000 Services – Equip Rental City-Owned – \$1,000,
208-775-716.000 – Medical Insurance – \$9,600,
208-775-745.000 – Recreation Supplies – \$2,000

The Youth Recreation division has been operating without an appropriation for some of the expense line items given below which are essential for the functioning of Youth Recreation operation.

208-756-719.000 Workers Compensation Insurance,
208-756-942.001 Copier Lease,
208-756-943.000 Services – Equip Rental City-Owned,
208-775-716.000 – Medical Insurance.

Further, since there was a delay in securing the “United Way-Out of School Time” grant, City could not use the grant dollars to pay for the recent purchase of Programming Services and Recreation Supplies.

This Budget amendment will reduce the Fund 208-Youth Recreation Millage fund balance by \$27,500. Estimated fund balance after this amendment is \$294,470.

This budget amendment allocates the funds in the categories as given below:

208-756-719.000 Workers Compensation Ins.	\$5,000,
208-756-779.020 Programming	\$7,500,
208-756-942.001 Copier Lease	\$2,400,
208-756-943.000 Services – Equip Rental City-Owned	\$1,000,
208-775-716.000 Medical Insurance	\$9,600,
208-775-745.000 Recreation Supplies	\$2,000

Net Decrease in the General Fund Balance	<u>\$27,500</u>
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This item cannot be approved until after the resolution to authorize the city clerk to publish the notice of the budget amendment has been approved and one week after the publication of the notice.



Council Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023,

Increase the appropriation in the following GL accounts

208-756-719.000 Workers Compensation Ins. -\$5,000,
208-756-779.020 Programming -\$7,500,
208-756-942.001 Copier Lease – \$2,400,
208-756-943.000 Services – Equip Rental City-Owned – \$1,000,
208-775-716.000 – Medical Insurance – \$9,600,
208-775-745.000 – Recreation Supplies – \$2,000

WHEREAS, The Youth Recreation division has been operating without an appropriation for some of the expense line items given below which are essential for the functioning of Youth Recreation operation:

208-756-719.000 Workers Compensation Insurance,
208-756-942.001 Copier Lease,
208-756-943.000 Services – Equip Rental City-Owned,
208-775-716.000 – Medical Insurance; and,

WHEREAS, since there was a delay in securing the “United Way-Out of School Time” grant, City could not use the grant dollars to pay for the recent purchase of Programming Services and Recreation Supplies; and,

WHEREAS, this Budget amendment will reduce the 208-Youth Recreation Millage fund balance by \$27,500 and the estimated fund balance after this amendment is \$294,470;

NOW THEREFORE, BE RESOLVED, that the City Council hereby authorizes the City Clerk to publish in a newspaper the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

This budget amendment allocates the funds in the categories as given below:

208-756-719.000 Workers Compensation Ins.	\$5,000,
208-756-779.020 Programming	\$7,500,
208-756-942.001 Copier Lease	\$2,400,
208-756-943.000 Services – Equip Rental City-Owned	\$1,000,
208-775-716.000 Medical Insurance	\$9,600,
208-775-745.000 Recreation Supplies	\$2,000
Net Decrease in the General Fund Balance	<u>\$27,500</u>